

AN ANALYSIS OF THE ENGLISH POOR LAW AMENDMENT ACT OF 1834

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by

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## CHAPTER I

### THE POOR LAW AMENDMENT ACT: A CONTROVERSY

#### THE CONTROVERSY

With the blossoming of the Industrial Revolution, various political, economic and social measures were introduced in nineteenth century England. The subject of this thesis will deal with one such measure, the English Poor Law Amendment Act of 1834. While that Act, in effect, re-affirmed the principles of the Elizabethan Poor Law Act of 1601, which granted relief to three classes of people: the able-bodied poor, the impotent poor (unemployables) and dependent children,<sup>1</sup> the lack of agreement with regard to its creation, execution and effectiveness combined with the question of who benefited by it, made the New Poor Law a matter of considerable controversy.

In 1832 a commission was appointed to ". . . make diligent and full inquiry into the practical operation of the laws for the relief of the poor in England, and into the manner in which these laws were administered, and to report their opinion as to what beneficial alterations could be made."<sup>2</sup>

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<sup>1</sup>Arthur E. Fink, Everett E. Wilson & Merrill B. Conover, The Field of Social Work (New York: Henry Holt & Co., 1957), p. 28.

<sup>2</sup>"Poor Law," Encyclopedia Britannica (11th ed.), XXII, 74.

The commission consisted of eight members, two Tories and six Whigs under the leadership of Dr. Charles J. Blomfield, Bishop of London.<sup>1</sup> The findings of the committee were codified in 1834, and were met with both acclaim and condemnation.

Briefly, the Poor Law Amendment Act created a central authority in the form of three commissioners who were responsible for the administration of the new poor laws; parishes were grouped together into a series of unions and outdoor relief to the able-bodied pauper was abolished--only through entering a workhouse, where conditions were less desirable than those which existed for the lowest class of independent laborer, could an able-bodied pauper find relief for himself and his family. This at least was the theory, what actually happened, however, will be discussed later.

How have historians treated the matter of the New Poor Law generally? Have they appraised the controversy with clarity and objectivity? Have they made a selection of facts to lend weight to their own theories? Is it not possible, for example, that a humanitarian would assume a different attitude toward the Act than someone concerned only with the economic problems of that era? Certainly these different aspects may not be more than a matter of degree; however, it is well to

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<sup>1</sup>E. L. Woodward, The Age of Reform 1815-1870 (Oxford: Clarendon Press, 1958), p. 432.

note such differences as may exist lest there be a confusion of ideas which is more apparent than real.

With regard to the Amendment Act, Lord John Campbell, who in 1834 ". . . became attorney-general and was returned by Edinburgh . . ." <sup>1</sup> stated:

Under the recommendations of a set of most intelligent commissioners to whom the subject was referred, a new system was devised to be uniformly enforced all over England and Wales, under the superintendence of a Metropolitan Board, whereby provision was made for the really destitute, without pandering to idleness, or relaxing the springs of industry. This met with vulgar opposition, and was denominated as cruel and unjust.<sup>2</sup>

In opposition to the stand assumed by Campbell, Cole and Postgate, in their work made the following observations:

Perhaps even contemporary opinion might have hesitated had it not been picked on by a rather disingenuous report in 1834 from the commissioners appointed to inquire into the administration of the Poor Law. Recklessly generalizing from certain improvident authorities it said that 'in far the greatest number of workhouses' (a notable exaggeration) the able-bodied were kept 'in sluggish sensual indolence' (an even more remarkable hyperbole).<sup>3</sup>

A similar stand was taken by Woodward who said, "The Commissioners gave few carefully prepared statistics, and

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<sup>1</sup>"John Campbell," Encyclopedia Britannica (11th ed.) V, 128.

<sup>2</sup>John Campbell, Lives of the Lord Chancellors and Keepers of the Great Seal (New York: James Cockcroft & Co., 1878), X, 421.

<sup>3</sup>G. D. H. Cole and R. Postgate, The British Common People 1746-1938 (New York: Alfred A. Knopf, 1939), pp. 248-50.

exaggerated the number of able-bodied laborers in receipt of outdoor relief."<sup>1</sup>

To indicate further that the creation of the Poor Law Amendment Act was a topic of controversy, the following quotation is taken from The Times (London), dated July 3, 1834, (The Amendment Act was passed August 14, 1834):

. . . for certain we are that the Poor Law Bill will either be a dead letter from the moment of its passing, or will, if put into operation, throw the whole kingdom into a convulsion of rage, in which not merely the poor penny-farthing functionaries who are to enact the part of the central board, but the Ministers who advised and the landlords who countenanced this impolitic scheme, may be swallowed up.<sup>2</sup>

#### WORKHOUSES

Prior to the passing of the Poor Law Amendment Act of 1834, relief to the poor had been disbursed in one of two ways, i. e. either indoor or outdoor. In an endeavor to curb the growing rates, relief (outdoors) was now to be forbidden to the able-bodied laborer and only through entering a workhouse could he and his family expect relief.

With regard to the workhouse system, the following quotation was taken from the Poor Law Commissioner's Report of 1939:

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<sup>1</sup>Woodward, loc. cit.

<sup>2</sup>The Times (London), July 3, 1834.



By means of the workhouse . . . and its regulations, it is in the power of the guardians and the Commissioners to place the condition of the pauper accurately at its level--to provide for all his wants effectually--and yet so as to make the relief thus afforded desirable to those only who are bonafide in need of it.<sup>1</sup>

The attitude of the Commissioners with regard to workhouses, however, had not met with unanimous accord. The Times, for example, stated on May 2, 1834, that "such a system amounts to a declaration that every pauper is a criminal, and that under the name of workhouses, prisons shall be erected throughout the land for their safe custody and punishment."<sup>2</sup>

Cyril Robinson, in his work England: A History of British Progress from the Early Ages to the Present Day, had the following statement to make about the workhouses:

Herded together in unwholesome, squalid quarters, fed on a diet that was only fit for pigs, bullied by the beadle and despised by all, the miserable inmates were there in the workhouse intended to appreciate the error of their ways and to see how great were the advantages of a life of honest toil. Such being their intention, there is little doubt that the authorities succeeded.<sup>3</sup>

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<sup>1</sup>Report of the Poor Law Commissioners on the Continuance of the Poor Law Commission and on some Further Amendments of the Laws Relating to the Relief of the Poor, (hereafter referred to as The Poor Law Commissioner's Report of 1839), (London: W. Clowes & Sons, 1840), p. 47.

<sup>2</sup>The Times (London), May 2, 1834.

<sup>3</sup>Cyril E. Robinson, England: A History of British Progress from the Early Ages to the Present Day (New York: T. Y. Crowell Co., 1928), pp. 570-71.

## ADMINISTRATION

The controversy continues within the area of administration. Writers and historians such as Arthur Redford and Sidney and Beatrice Webb have delved into the question in considerable detail. Redford, in The Economic History of England 1760-1860, stated that "it was, indeed, frequently asserted during the post-war Napoleonic period that a considerable part of the contemporary social distress was caused either by the poor-law system itself or by the inefficiency with which it was administered."<sup>1</sup>

Prior to the passing of the Poor Law Amendment Act of 1834, the administration of the Poor Laws had been a parochial responsibility (there were exceptions such as the grouping of various parishes under the Gilbert Act which will be discussed later) diffused among approximately fifteen thousand parishes.<sup>2</sup> As a consequence of this, the Poor Rates were, according to the Webbs, "scandalously unequal."<sup>3</sup> In the one hundred seventy parishes in London, for example, jurisdiction was divided into

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<sup>1</sup>A. Redford, The Economic History of England 1760-1860 (New York: Longmans, Green & Co., 1957), p. 102.

<sup>2</sup>The number "15,000" is used loosely. Figures will later indicate a difference of 1,145 parishes in the accepted number of parishes by the government.

<sup>3</sup>Sidney and Beatrice Webb, "The Old Poor Law" (Mimeographed copy of Chapter VII of an unknown work with the possible title English Poor Law History), p. 13.

several classes such as open vestries, select vestries, local boards of directors, governors and trustees. The question of jurisdiction will also be dealt with more thoroughly in a later chapter.

Less harsh toward the administrators of poor relief was Arthur Birnie, who said,

Unless the unemployed were to be left to starve, they must receive relief in some form, and there was no agency except the Poor Law to supply it. Local administrators can hardly be blamed for using the instrument which lay ready to their hand, and if they appeared to err on the side of generosity, it must be remembered that the need was great.<sup>1</sup>

Birnie further supported the Old Poor Law with the opinion that to have abolished it would have resulted in hideous suffering and possibly even a social uprising. "In the life and death struggle with Napoleon, as Canning testified, it was the Poor Law that preserved England from revolution."<sup>2</sup> To digress for a moment from the area of administration per se, the following statement by Thomas Mackay seems appropriate here:

A French Socialist visiting England has remarked that our English Poor Law system has staved off revolution. There is, however, an alternative view that the institution of a Poor Law has largely retarded the emancipation of the laborer and his acquisition of liberty and property. The misery of the French peasant before 1789 was not caused by the absence of a Poor Law,

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<sup>1</sup>Arthur Birnie, An Economic History of the British Isles (New York: F. S. Crofts & Co., 1936), pp. 337-38.

<sup>2</sup>Ibid.

but by his long retention in a state of feudal servitude.<sup>1</sup>

The preceding data in the area of administration has illustrated, to some extent, that the question of administrative reform was not inappropriate. The Amendment Act of 1834, however, with respect to the centralization of authority, did not go unopposed. A powerful antagonist was The Times which stated as follows:

Professing to be liberals and lovers of the constitution of the country, our ministers proposed to place all the laws relative to relief to the poor at the interpretation and administration of three irresponsible persons, who, moreover, were to enjoy uncontrolled, the most extensive powers both of a legislative and executive character. They could make laws--they could suspend laws, even in matters of taxation; and while they had dominion over the liberties and the property of a large portion of their fellow subjects, they were shielded by the protection and indemnity with which the judges are invested; nay, even the KING'S courts at Westminster were expressly forbidden to interfere with them, no matter what monstrous tyranny and injustice they might in their foolishness or their insolence think proper to commit. Thus the powers of the Parliament and the functions of the executive were delegated to three irresponsible persons, for whose misdoings and miscarriages the subject who suffered from them had neither remedy nor redress.<sup>2</sup>

The article above was dated Tuesday, July 8, 1834.

#### VESTED INTERESTS

By inference, the title of the Poor Law Amendment Act

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<sup>1</sup>Thomas Mackay, A History of the English Poor Law (London: P. S. King & Son, 1899), p. 8.

<sup>2</sup>The Times (London), July 8, 1834.

would logically indicate (to this student) the establishment of a law which somehow benefited the poor. A letter to the editor of The Times on Tuesday, May 20, 1834, signed "Your obedient servant, L" was apparently of the same opinion. It stated:

The Poor Law Bill . . . proposes to better the condition of the poor; the simple and charitable meaning of which would be, to increase their comforts, to provide the means of bestowing upon them improved sustenance and clothing, and a rational enjoyment; to diminish their vicious propensities, and to call into exercise their moral virtues. There is, it may be confidently affirmed, no clause in the whole measure tending to effect this object, and consequently its framers had other views, however convenient it might be to conceal them under the deceitful pretence of bettering the condition of the poor.<sup>1</sup>

Consequently, such an inference finds little accord with reality. It is, in fact, not at all clear who benefited from the passing of the Amendment Act in 1834. One wonders what considerations underlay the passing and execution of the Amendment Act. Farm interests? Property interests? Or was it a general recognition on the part of the governing powers that the economy of the country was steering in the direction of national pauperism? H. L. Beales, in his Industrial Revolution 1750-1850, states that " . . . the reform of the Poor Laws in 1834 removed an obstruction to farming progress. It brought rate relief to the farmer in a time of difficulties and enabled him to apply labor to his farm in a more

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<sup>1</sup>Letter to the editor, The Times (London) May 20, 1834.

economical way."<sup>1</sup>

John Campbell, a Whig, said,

The abuse of the fund intended by the 43rd of Elizabeth for the support of the destitute had been carried to such an excess as to demoralize the great mass of the lower orders, to bring such a burden on the land as to render it in some parishes of no value to the nominal owners, who abandoned the cultivation of it that they might escape the assessment.<sup>2</sup>

Another view is expressed by Robinson who said, "Wherever the workmen's wages were too low to support life, it had become the common practice to allow them also relief out of the rates, supplementing their pittance by a weekly dole. The result was that farmers, knowing this, had deliberately abstained from raising wages."<sup>3</sup> A similar statement was made by G. M. Trevelyan in his English Social History. "This payment of rates relieving the large employing farmer from the necessity of giving a living wage to his work people, and most unjustly forced the small independent parishioner to help the big man, while at the same time it compelled the laborer to become a pauper even when he was in full work!"<sup>4</sup>

Were the property interests responsible for the passing

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<sup>1</sup>H. L. Beales, The Industrial Revolution 1750-1850 (London: Frank Cass & Co., 1958), p. 46.

<sup>2</sup>Campbell, loc. cit.    <sup>3</sup>Robinson, loc. cit.

<sup>4</sup>G. M. Trevelyan, English Social History (London: Longmans, Green & Co., 1958), p. 469.



of the Poor Law Amendment Act? Was reform for the sake of the preservation of property greater than the desire to remedy the problems of relief to the poor? Note the following statement by Gilbert Slater, who describes the attitude of both the Whigs and Tories as being alike in their fears of a rising poor rate as ". . . a danger to all property."<sup>1</sup>

While the role of the farmer is controversial, some historians play up that of the manufacturer. Benjamin Terry, for example, described them in the following manner, "The greed of the manufacturers, however, soon found a way to take advantage of the charity of the government and by paying only pauper wages made it impossible for an independent worker to live at all."<sup>2</sup> Although the question of poor relief was a national one, it should, however, be pointed out that it was primarily in the agricultural areas of the south of England that the question of growing pauperism caused the greatest concern.

There is clearly disagreement here. On the one hand Beales, Campbell, Robinson and Trevelyan indicate that the one class of people had something to gain by the Allowance System. Slater, however, views the matter differently, and Terry cites

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<sup>1</sup>Gilbert Slater, The Growth of Modern England (Boston: Houghton Mifflin Co., 1932), pp. 313-14.

<sup>2</sup>Benjamin Terry, A History of England (Chicago: Scott, Foresman & Co., 1901), pp. 996-97.

the role of the manufacturer. Perhaps if one had a better insight into the kind of property referred to, the matter would be less complex. Certainly the interest of the aristocratic farmer, the small independent landowner, manufacturer and city dweller were not necessarily identical.

Where does one draw the line between such statements? Is it possible to distinguish between such interests as to be able to ascertain which group or groups benefited from the passing of the Poor Law Amendment Act of 1834? The answers are, of course, very complex. It will be the purpose of this thesis, however, to attempt to answer those questions.

#### PARLIAMENT AND POLITICS

The controversy extends still further. In May, 1834 the Tory *Frazer's Magazine* described the efforts of the Whig government with regard to Poor Law reform in the following manner:

The report of the commissioners for inquiring into the administration and practical operation of the poor laws is, on the whole a very unsatisfactory performance. It is theoretic and partial; deficient in precision and lame in deduction. Some of the 'remedial measures' it recommends are excellent, whilst others are worse than foolish.<sup>1</sup>

The Amendment Act, created as a result of the Commissioner's inquiry, received praise from The Edinburgh Review

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<sup>1</sup>"The Report on the Poor Law," Frazer's Magazine for Town and Country, (May, 1834), IX, 518.



in 1835, when it described the passing of the New Poor Law in 1834 as ". . . the great measure of the Session . . ." and added ". . . surely if any plan of legislation ever demanded the deepest regard from all rational men, this is the plan."<sup>1</sup> The Edinburgh Review, incidently, supported the Whigs.

How did the aristocratic House of Lords view the Amendment Act of 1834? According to Lord John Campbell, the Amendment Act ". . . was warmly supported by the Duke of Wellington and almost the whole House of Lords."<sup>2</sup>

With regard to the House of Commons, Carlton J. H. Hayes, author of A Political and Social History of Modern Europe, said,

The promises made in 1832 had not been fulfilled. The middle classes, now comfortably fortified in the House of Commons, showed no sign of extending the benefits of political enfranchisement to the lower classes. The Reformed Parliament had done little to better the lot of the working man; worse than that, it had devised a New Poor Law, by which indigent workmen were no longer aided by the parish, but bundled off to the workhouses.<sup>3</sup>

Woodward also made the remark that when the Poor Law Amendment Act was passed Parliament was glad to be rid of a

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<sup>1</sup>The Edinburgh Review (1835), LX, 246-47.

<sup>2</sup>Campbell, op. cit., IX, p. 354.

<sup>3</sup>Carlton J. H. Hayes, A Political and Social History of Modern Europe (New York: The Macmillan Co., 1916), II, 110.

difficult problem.<sup>1</sup>

It is hoped that the preceding data tends to lend weight to this writer's opinion that the Amendment Act is a controversial topic. With the closing of this section on Parliament and politics, the following statement by R. L. Schuyler and C. C. Weston bears consideration, ". . . both parties, Whigs and Tories, regarded the word 'democrat' as a term of reproach. To them democracy suggested mob rule, the triumph of poverty over wealth and of ignorance over knowledge."<sup>2</sup>

#### UTILITARIANISM AND HUMANITARIANISM

With the rise of the Industrial Revolution and the development and expansion of the middle classes, according to various sources i.e. Woodward, Redford and Trevelyan, the thinking of Jeremy Bentham (1748-1832) was linked with the Poor Law Amendment Act. Woodward, for example, said that the three Poor Law Commissioners borrowed from Bentham with regard to the administration of the new Poor Laws.<sup>3</sup> Redford mentioned that Edwin Chadwick, Secretary to the Poor Law Commissioners, was an enthusiastic utilitarian.<sup>4</sup> Trevelyan, in his History

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<sup>1</sup>Woodward, op. cit., p. 433.

<sup>2</sup>R. L. Schuyler and C. C. Weston, British Constitutional History Since 1832 (New York: D. Van Nostrand Co., Inc., 1957), p. 26.

<sup>3</sup>Woodward, loc. cit.

<sup>4</sup>Redford, op. cit., p. 106.

of England, described the commissioners as dealing in "Benthamite abstractions."<sup>1</sup>

Also associated (in time) with Bentham and his ". . . principle of utility, or the greatest happiness of the greatest number,"<sup>2</sup> were the concepts of the economist Thomas Malthus (1766-1834), who claimed that ". . . the power of population is indefinitely greater than the power in the earth to produce subsistence for man."<sup>3</sup> One can only contemplate the effects of such a philosophy in the early nineteenth century in a period of growing pauperism. According to Mowat and Slosson, Malthus was an economist of the "new hard type" who held that the continuation of poor relief as it existed prior to the Amendment Act, would have made England a nation of paupers.<sup>4</sup>

With regard to the Benthamite concept of the greatest happiness for the greatest number, if that was the criterion for evaluating the success of the Act, it is questionable that it was either successful or popular. Henry Hamilton, in his England: A History of the Homeland, stated:

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<sup>1</sup>G. M. Trevelyan, History of England (New York: Doubleday & Co., Inc., 1954), III, 185.

<sup>2</sup>W. Ebenstein, Great Political Thinkers (New York: Rinehart & Co., Inc., 1958), p. 477.

<sup>3</sup>Thomas Malthus, "An Essay on Population," quoted in Readings in Western Civilization (ed.) Geo. H. Knoles and R. K. Snyder, (New York: J. B. Lippincott Co., 1951), p. 544.

<sup>4</sup>R. B. Mowat and P. Slosson, History of the English-Speaking Peoples (London: Oxford University Press, 1943), pp. 373-74.

The Commissioners executed their task with ruthless determination in the rural areas. Cowed and prostrate after the savage repression of the agrarian disturbances of 1830, the laborer could offer little resistance to the new policy. Outdoor relief was swept away; and the laborer who had subsisted on a subsidized wage was now dependent on his own earnings. The resultant suffering and want are incalculable.<sup>1</sup>

Upon the basis of the above statement, by what definition of the word "success" could the Act be defined? If it was utility, that raises other questions which are possibly as great as the original one. One of the requirements of the new Act was that the able-bodied pauper could find relief only through entering a workhouse where conditions were less desirable than that which existed for the lowest class of independent laborer. Consequently, conditions within the workhouse were such that a pauper had little desire to remain within it. Thus, as the Webbs point out, while the Workhouse Test was a deterrent to some idlers, many others resorted to vagrancy and beggary and resulted in various crimes and disorders.<sup>2</sup> The irony of the problem therefore, lies in the fact that the provisions of the Amendment Act had been created, allegedly to alleviate such social conditions. Trevelyan at one point wrote, ". . . the new Poor Law of 1834 was a very unfortunate beginning for reformed methods of governing the countryside. Its harshness,

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<sup>1</sup>Henry Hamilton, England: A History of the Homeland (New York: W. W. Norton & Co., 1948), p. 503.

<sup>2</sup>Webb, op. cit., p. 8.

especially in the separation of families gave the rural poor a distaste for Benthamite improvement."<sup>1</sup> (Families were separated and classified within workhouses; this will be described in detail later).

In the preceding page Trevelyan described the logic of the Poor Law Commissioner as "utilitarian" and "remorseless."<sup>2</sup> Trevelyan, however, made another statement which was supported by the Webbs. He pointed out that the work of the Poor Law Commissioners, as imperfect and harsh as it might have been, was, nevertheless the first attempt to deal on a large scale scientifically with the problems growing out of the Industrial Revolution.<sup>3</sup> The Webbs stated:

. . . even a hundred years ago, not only were the requirements of hygiene unrecognized, but the science and art of administration was still so far non-existent that, on any but the smallest scale, neither honesty nor efficiency was possible. The necessary technique had not been devised. There was practically no audit of cash, let alone of stores, materials and products. There was no check on individual accounting. There was, indeed, not even any deliberately constructed system of bookkeeping which would automatically reveal what was going on. The very idea of official inspection as a regular instrument of administration had not been born.<sup>4</sup>

According to Thomas Mackay also, Edwin Chadwick's maxim was, "Bring scientific ideas, formulated in the first instance after careful inquiry, to bear on local administration. This

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<sup>1</sup>Trevelyan, English Social History, op. cit., p. 539.

<sup>2</sup>Ibid, p. 538.    <sup>3</sup>Ibid.

<sup>4</sup>Webb, English Poor Law History, op. cit., p. 14.

can be done by means of a central board, by the abolition of amateur and unpaid service, and the gradual introduction of a highly specialized civil service."<sup>1</sup>

#### SUMMARY

This Chapter has illustrated that the Poor Law Amendment Act of 1834 was, and still is, a subject of considerable controversy.

It has been pointed out that the findings of the Poor Laws Commissioner's Report had resulted in the creation of the Amendment Act, and had been met with both applause and rejection. Woodward has described the findings of the Commission as exaggerative. It is wondered by this writer whether the results of the Commissioner's Report were a reflection of its thoroughness.

It is hoped, however, that in the following pages a careful scrutiny of the Commissioner's Report will permit an evaluation of it based upon its own merits.

A brief description of the workhouses and their operation after the passing of the Amendment Act of 1834 has indicated that this area was not beyond the bounds of controversy. In a later chapter, workhouses will be discussed in more detail in an effort to clarify the principles, purposes, etc. involved.

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<sup>1</sup>Mackay, op. cit., p. 39.

Figures will be cited to illustrate the rise or decrease of pauperism within the workhouses.

Generally, historians agree the administration of the Poor Laws prior to 1834 had been poorly managed. The controversy in this area, therefore, lay in part in the plans of centralization proposed and passed by Parliament on August 14th. The Times was strongly opposed to the plans; it regarded the three Poor Law Commissioners as an "irresponsible" trio endowed with "despotic" powers.

The measures of the three Commissioners, with regard to administration, will be dealt with at a later period and the importance of legislative measures such as the Gilbert's Act will be outlined as will the various local administrative units.

The question of vested interests will be the most difficult one to attempt to answer with conclusions based on facts. The question of vested interests appears not only to be woven with controversy, but delves into so many diverse areas, the borders of which seem rather nebulous. A general statement at this time, however, expresses the idea that the scope of this entire problem, with all of its facets and in particular the question of vested interests, were all-encompassing, so far-reaching that the various groups involved did not, or perhaps could not, comprehend the magnitude of the problem which confronted them.



The controlling powers in Parliament, as indicated, appeared to give evidence of a controversy between the Whigs and the Tories. There was an apparent lack of unanimity with regard to the passing of the Poor Law Amendment Act. Schuyler and Weston also expressed a point which, if true, makes one wonder all the more what considerations influenced the governing powers when they passed the Amendment Act.

The roles of Bentham, Chadwick and Malthus are questionable in the creating of a milieu which was conducive to the enactment of the Amendment Bill. According to Hamilton, the humane aspects were secondary to utility and expediency. The degree to which the Central Authority pursued the measures of relief to the poor resulted in both praise and condemnation. And, as the Webbs pointed out, while the enactment of the Bill may have thinned out the ranks of the idlers, it resulted in the creation of other problems which the Poor Law Amendment Act had been supposedly created to prevent. There are also the statements by both Trevelyan and the Webbs which illuminates a very important consideration; namely, that the Amendment Act was the first attempt at dealing with the problems of pauperism in a scientific manner.

Thus, at the end of this Chapter the answer to the question of who benefited as a result of the Amendment Act is not apparent amidst a maze of contradictory statements. The entire question in fact of relief to the poor seems to have mushroomed



and carried Cobbett's definition of a pauper to unintentional heights. "What is a pauper? Only a very poor man."<sup>1</sup>

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<sup>1</sup>Woodward, op. cit., p. 435.

## CHAPTER II

### A GENERAL BACKGROUND TO THE AMENDMENT ACT OF 1834

The Poor Law Amendment Act of 1834 should not be appraised in the light of twentieth century thought without also taking into consideration the circumstances surrounding the period in question, and it is also essential to attempt to approach the events of the late eighteenth and early nineteenth centuries in their proper milieu in order to acquire a better perspective.

For the purpose of this thesis it was thought that the accession of George III to the throne of England in 1760 would be an appropriate starting point; it is from this date that historians generally agree that the Industrial Revolution started to blossom. As far as denoting a specific time, the Industrial Revolution is as un-specific as the terms Renaissance or Reformation. In other words, there was no sharp cleavage in the history of England; no ending of one period and the immediate rise of another. Although the rate of change was considerably faster than in previous periods, it was nevertheless, a gradual transition.

### INVENTIONS AND POPULATION MOVEMENTS

In the latter half of the eighteenth century various inventions came into being which influenced the course of England's destiny, i.e. the spinning jenny, an invention of

James Hargreaves; the water frame, first utilized practically by James Arkwright; the power loom, an invention of Edmund Cartwright; and the cotton gin by Eli Whitney. The means of communication were revolutionized; canals were dug, roads were improved, and ". . . after 1830 the railway began its career of world conquest."<sup>1</sup>

As a consequence of the development of the means of producing textiles, factories were created in which laborers worked together. "Spinning and weaving almost ceased in the cottages of the laborers; the old domestic industry came to an end, and the poorer classes in the country lost an important part of their income."<sup>2</sup>

With regard to textiles, it should be explained that most of the innovations were in cotton. ". . . technological progress was, in fact, far less rapid in the woollen and worsted than in the cotton industry."<sup>3</sup>

According to Laurence M. Larson, many of the new factories making textiles were erected in the vicinity of water where it could be utilized for power such as in Lancashire and West Riding of Yorkshire. With the development of the

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<sup>1</sup>Beales, The Industrial Revolution 1750-1850, op. cit., p. 60.

<sup>2</sup>L. M. Larson, History of England and the British Commonwealth (New York: Henry Holt & Co., 1924), p. 568.

<sup>3</sup>T. S. Ashton, The Industrial Revolution 1760-1830 (London: Oxford University Press, 1948), p. 75.

textile industry many people poured into these areas of the north.

The scientific changes in agricultural development were indirectly responsible for creating a larger labor force for the factories. Many small farm holders, squatters,<sup>1</sup> and other rural inhabitants lost their homes through a series of enclosure acts which had the effect of making the large farms larger and the small ones practically non-existent. With regard to the enclosure acts, Arthur Redford said,

There was an urgent necessity for increased supplies of foodstuffs, both corn and meat. This necessity forced on a relatively rapid transition in agricultural organization and technique; and among the necessary changes, the enclosures of the common pastures and open field arable was accelerated.<sup>2</sup>

Another source of the growing labor force was provided by the expanding population. According to figures cited by Beales, the total population of England and Wales grew from approximately 6,250,000 in 1750 to 18,109,410 in 1851.<sup>3</sup> Although the birth rate during the nineteenth century was quite high, Beales seems to attribute the growing population partially to the decreasing death rate, and finds support in

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<sup>1</sup>A 1910 edition of Webster's International Dictionary defined a "squatter" as one who settles on land, especially new or unsettled land, without a right of title.

<sup>2</sup>Redford, The Economic History of England 1760-1860, op. cit., p. 68.

<sup>3</sup>Beales, op. cit., pp. 68-9.

Redford who stated, "... the vital statistics of the period seem to suggest that the unprecedented increase of population was rather to a sharply decreasing death rate than to any extraordinary increase in the birth rate."<sup>1</sup>

The displacement of what had been a rather stable population due to such causes as industrial development, immigration of laborers from Ireland, and the population movement from the south, created many social problems; however, the social significance of these causes will be discussed in the following Chapter.

#### ECONOMIC THOUGHT AND PARLIAMENT

The transformation of England's ability to produce commercially found expression in the concepts of a number of men such as Thomas Malthus, John Stuart Mill, and David Ricardo, all of whom, according to J. S. Schapiro, in Modern & Contemporary European History, were inspired by Adam Smith. "Smith's fundamental thesis was that economic institutions were of natural origin and were subject to natural laws; hence, there was no human responsibility for the manner in which they worked. On the whole they worked beneficently, like other natural things; therefore, they should not be interfered with by human laws."<sup>2</sup>

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<sup>1</sup>Redford, op. cit., pp. 62-3.

<sup>2</sup>J. S. Schapiro, Modern & Contemporary European History

The economists of that period were therefore, opposed to all governmental control of trade and advocated a policy of laissez faire. In accord with their thinking, a treaty with France in 1786 provided for almost complete freedom of trade in a limited part of the commercial areas. Larson regarded the English measures at that time as the first successful advance in the direction of a new commercial policy of free trade although it did not reach fruition until about sixty years later.

Attempts on the part of the laboring classes to introduce labor unions met with defeat at the hands of the government which passed legislation to prevent their combining. Labor unions, it was thought by the advocates of Adam Smith, were a means of restraining trade.

With the expansion of the middle classes, their role became more significant upon the political scene. Prior to their rise, the aristocracy had, since 1688, primarily influenced legislative measures. They ". . . controlled the House of Lords where their leading members, the peers, had hereditary seats; indirectly through the Rotten Borough System, they controlled the Commons."<sup>1</sup>

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(Cambridge: Houghton Mifflin Co., 1953), p. 43.

<sup>1</sup>Ibid., p. 116.

William Pitt, the younger, had several ideas about the peerage. During the reign of George III he brought the House of Lords closer to the monarchy.

He accomplished this by inducing the king to grant a large number of new peerages: in nineteen years George III created or promoted 140 peers. Care was always taken to confer the new honors on men who could be relied upon to support the policies of the Prime Minister. The outcome was that the House of Lords became a stronghold of conservatism and has remained such unto this day.<sup>1</sup>

#### THE NAPOLEONIC WARS AND THE POST-WAR PERIOD

In 1793 England entered the war against France, and with the exception of a brief pause in 1802, remained in a state of war with her until 1815, at which time the efforts of Napoleon to subdue England met with defeat. Combined also with this war was the conflict between England and the United States of America during the years 1812-1814.

The expenses of these wars pulled hard on the economic strength of England. In an effort to stem the French threat, England had sought to support continental armies which were also fighting the French.

In an effort to bring England to her knees, Napoleon instituted what was known as the Continental System in 1806, the idea being to attempt to prevent England from trading with countries on the continent. According to Larson, this measure

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<sup>1</sup>Larson, op. cit., p. 545.



had the purpose of bringing about an economic crisis in England, thus forcing her to accept Napoleon's terms.

While Napoleon's efforts were not a complete success, he was to a degree responsible for much of the hardship his System brought about in England. The blocking of trade resulted in 1808, according to Larson, in the reducing of many large business houses to the point of bankruptcy. "When the war closed . . . the national debt had risen to the enormous sum of more than \$4,000,000,000 or about \$215 per capita."<sup>1</sup>

During the early post-war period England failed to recover her economic strength due to two general causes, claims Larson. The war had been responsible for stimulating certain lines of industry and agriculture for the army and navy; after 1815 these outlets did not exist nor was the continent able to purchase England's commodities due to economic exhaustion. Consequently, there was a lull in English production which was an increased problem for her laboring classes. This economic dislocation was further intensified by the returning servicemen in search for work. Secondly, the price of the necessities of life were high. In 1815 the Corn Laws were enacted by which was created an " . . . artificial scarcity of breadstuffs in Britain which protected the agricultural interests from heavy losses, but did so at the expense of other

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<sup>1</sup>Larson, op. cit., p. 611.



economic and social groups. Those to suffer most were the working men and their families."<sup>1</sup>

According to Redford the Corn Laws, in effect, reduced the real wages of the workers by increasing the price of their food, while on the other hand it hindered industrial development by creating restrictions on foreign outlets for English manufactured goods.<sup>2</sup>

"As to the reality of the agrarian distress there can hardly be any reasonable doubt. Mr. Richard Preston, M.P. said in 1816 that many small farmers were ceasing to be farmers from necessity, and becoming pensioners on the poor rate."<sup>3</sup>

Redford said that during 1820-22, nearly seven hundred petitions were presented to Parliament complaining of agricultural distress. He added that the burden of pauperism in the agricultural areas was becoming increasingly ominous, especially in the areas of the south of England, and was developing into a serious social problem.<sup>4</sup>

The causes of the long agricultural depression were both complex and obscure according to Redford, and the political controversies into which this question became involved made the truth difficult to determine. Generally, however,

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<sup>1</sup>Louis Gottschalk and Donald Lach, Europe and the Modern World (New York: Scott, Foresman & Co., 1951), p. 847.

<sup>2</sup>Redford, op. cit., p. 98.    <sup>3</sup>Ibid., p. 99.

<sup>4</sup>Ibid.

the agricultural depression had resulted from the inevitable reaction of the feverish activity of the post-war period which had led to the sinking of great sums of money in land improvement. Redford said, "That source of trouble had been accentuated by the currency derangements of the period, which had inflated values, and made necessary a re-adjustment of all incomes when the process of deflation had begun."<sup>1</sup>

Other problems confronted the lower classes. During the reign of George III Parliament passed 3,209 private enclosure acts and many small landowners lost their land and "the wealth and influence of the landed aristocracy were perceptibly increased."<sup>2</sup>

Social and economic reaction to the times found expression in the smashing of machinery as well as other disturbances. The ". . . so-called Luddite riots, which began as early as 1811, reached their climax in 1816 when social disturbances and wanton destruction of property occurred in every part of the country."<sup>3</sup>

#### THE REFORMS OF 1832

Out of the milieu just described several factions began

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<sup>1</sup>Ibid., pp. 99-100.

<sup>2</sup>Hayes, op. cit., p. 32.

<sup>3</sup>Ibid., pp. 34-35.

to take shape. First, there was a growing middle class which was demanding legislative reform; there was also a group known as the "Intellectual Radicals" which sought "'root' reforms such as universal manhood suffrage, secret ballot, and equal electoral districts in order to make Parliament the true representative of the people."<sup>1</sup>

Harsh measures by the government were instituted to cope with the unrest. In August of 1819 a meeting was held on St. Peter's Fields, Manchester, to demand Parliamentary Reform, ". . . the magistrates, seized by sudden panic, let loose a charge of yeomanry which killed a dozen and seriously injured hundreds of both sexes."<sup>2</sup> In November of the same year the Six Acts of Parliament were passed. These Acts were said to be especially repressive to the freedom of the press, speech, and assembly.

The case for the reapportionment of England was strong. Population shifts had resulted in inadequate representation in some areas while in others it was excessive.

In the industrial regions of the north small villages had grown into large cities; in the agricultural south population remained stationary or had actually declined. Towns such as Buckingham, with thirteen voters; Gatton with five; Orford with twenty; Middlehurst with thirteen;

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<sup>1</sup>Shapiro, op. cit., p. 123.

<sup>2</sup>Trevelyan, History of England, op. cit., Vol. III, p. 161.

<sup>3</sup>Ibid., p. 129.

Old Sarum with none; and Dunwich, sunk under the waters of the North Sea, all duly elected members to Parliament; whereas great cities such as Manchester, Birmingham, and Leeds had no representation.<sup>1</sup>

In a period which has been described as the "Age of Reform" the rising middle class waited several years before their dreams were partially realized in 1832.

Under the leadership of Lord Grey, Parliamentary reform was finally accomplished in 1832 over the House of Lords' strong opposition. By the reform, fifty-six English boroughs were no longer represented in Parliament; thirty-two boroughs lost one member each; twenty-two towns received two seats each; and twenty others received one each; and the larger counties received additional seats, according to the figures cited by Schapiro.<sup>2</sup>

The changes made through the Reforms of 1832 were not great, stated Schapiro:

In the counties the vote extended to include chiefly tenants of land, known as 'copyholders' and as 'leaseholders' whose holdings paid an annual rent of at least 10. Lodgers remained unenfranchised. In the boroughs the anomalous franchises were abolished, and a uniform franchise was adopted which gave the vote to those men who owned or rented a building of the annual rental value of at least 10. The increase in the number of voters was small, from about 435,000 to about 656,000 nearly all from the well-to-do middle class. It is estimated that only fifteen per cent of the adult males now had the vote. The farm and industrial laborers, as well as many of the lower middle class, still remained unenfranchised.<sup>3</sup>

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<sup>1</sup>Schapiro, op. cit., p. 114.      <sup>2</sup>Ibid., p. 129.

<sup>3</sup>Ibid., p. 130.

### SUMMARY

The period 1760-1834 is perhaps best characterized by the rate of change. Certainly the social, economic, or political development of England prior to this time had changed at a much slower pace.

With the introduction and development of various inventions, England began to grow as an industrial nation. The development of the means of making textiles drew many people from the rural areas of the south to the industrial north thus creating a powerful and concentrated labor force. It should be emphasized, however, that this was not a mass movement from the south to the north; nor was it an overnight transition.

Part of the new labor force was successfully utilized during the early stages of the Napoleonic wars. In 1815, however, when many servicemen returned from the wars in search of peaceful employment, they tended to swell the labor force in an economy which had not been immediately able to regain its equilibrium due to a variety of causes; i.e. pressures of the wars and a depression at home.

After the Napoleonic Wars, discontent was apparent and, as indicated, riots and disorder were not uncommon as a result of the economic and social conditions which prevailed. Coupled with such conditions were the political grievances and the governmental measures instituted to check the unrest.

The laissez faire philosophy of Adam Smith changed the mercantilistic restrictions upon trade over a period of time. Smith's Wealth of Nations was published in 1776, but many years were to pass before his concept of free trade became the generally recognized economic philosophy.

Labor ran afoul of the advocates of laissez faire shortly before the turn of the nineteenth century when it attempted to organize. The resultant Combinations Acts removed labor from the scene as a threat to the rising middle class for another generation.

In 1793 England found herself at war with France in a duel which lasted for approximately twenty years. During that time, the economic potential of England was to a degree thwarted by the war effort and Napoleon's Continental System; taxes were high in an attempt to preserve the homeland directly and to aid her allies on the continent. As a result of these wars, prices at home were also on the increase. Larson stated that "before 1793, wheat usually sold for about six shillings per bushel; in 1801 the price had risen to fifteen shillings."<sup>1</sup> These figures were supported by Trevelyan who said that the war had had the effect of shutting out the supply of European corn which had at last become necessary for the stabilizing of food prices in England. "Wheat rose from 43 shillings a quarter

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<sup>1</sup>Larson, op. cit., p. 587.

<sup>2</sup>Larson, op. cit.

in 1792, the year before the war broke out, to 126 shillings in 1812, the year Napoleon went to Moscow."<sup>1</sup>

In 1801 Ireland was united with England, one consequence of which was that the structure of Parliament was altered.

"Ireland was given thirty-two seats in the British House of Lords and one hundred in the House of Commons."<sup>2</sup> It was also during the reign of George III that the House of Lords was changed from purely aristocratic to a combination of landed aristocracy and upper middle class.

In 1832, by Parliamentary reform, the House of Lords lost its position over the House of Commons; a position which had existed for many years. Industrial wealth was now, proportionate to landed wealth, more generously represented, and its point of view might be expected to get more of a hearing.

It was within this framework that the Poor Law Amendment Act of 1834 was passed. England had undergone a series of revolutionary changes, many of which were responsible for making Great Britain an extremely wealthy and powerful nation. This wealth, however, was not distributed over a wide field, indeed, it was controlled by relatively few people. It should be remembered that prior to 1832 England had been strongly influenced by an aristocratic clique. The Whigs and the

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<sup>1</sup>Trevelyan, English Social History, op. cit., p. 465.

<sup>2</sup>Larson, op. cit., p. 594.



Tories--whichever group was in power--while representing the interests of England as a whole, were not responsive to the wishes of the people. It is suspected, therefore, that the reforms brought about in the early part of the nineteenth century were not democratic measures per se, rather they were reflections of a struggle to liberalize on the one hand and to conserve on the other.

Related in time with these positions of conserving and liberalizing was the question of social reform. Throughout this chapter there has been mentioned various types of reform. However, little has been said concerning legislation to alleviate the burdens of the destitute.

Prior to the Amendment Act of 1834, the Elizabethan Act of 1601 had been the last major legislative measure dealing with relief to the poor. During the following years there had been considerable deviation from the Act until, by 1834, reform of the Act was imperative.

It is with the realization that the problems of 1601 had changed considerably by 1834, that we approach the matter of social reform from the post-Napoleonic years until the Poor Law Amendment Act of 1834.



### CHAPTER III

#### POOR LAW ADMINISTRATION PRIOR TO 1834

A series of events around the turn of the century wrought great problems for labor and wages. People were migrating from the agricultural south to the industrial areas of the north, creating a substantial labor force and equally substantial social problems. The southern part of England, the agricultural area, was undergoing especially difficult times; prices were high, wages were low, and labor was said to be in excess in spite of emigration. Perhaps part of the answer lay in the arrival of laborers from Ireland. According to Woodward, within twenty years after 1815 there were 100,000 Irish in Lancashire alone.<sup>1</sup>

One of the consequences of such conditions was the increase in the Poor Rate. It was through the Poor Rate that relief was made possible to those in need of it. The poor Rate was levied by statute upon occupiers of real property and inhabitants in respect of personal property; however, ". . . the rateability under the latter head was reluctantly conceded by the courts of law, and was in practice only partially acted upon."<sup>2</sup>

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<sup>1</sup>Woodward, op. cit., p. 3.

<sup>2</sup>"Poor Law," Encyclopedia Britannica (11th ed.), XXII, 77.

Throughout England and Wales the responsibility of relieving the destitute rested with the various parishes. As there were over fifteen thousand parishes, there were almost as many administrative units for the disbursement of relief. The population of the parishes ranged from over forty or fifty inhabitants in the smaller ones on to thousands of subjects in the larger parishes.

The question of jurisdiction fell usually under one of the following heads: (1) open vestry; (2) representative select vestry; or (3) self-appointed vestry.

#### Open Vestry

First, as to the open vestry, we have already mentioned the 3 and 4 William and Mary, cap. 11, sec. 11, and the 9 George I. cap. 7, sec. 1, which authorized the intervention of the vestry; but as these Acts give the vestry no power either to raise or to distribute parochial funds, 'it is difficult to say,' remark the Royal Commissioners, 'what is the legal authority as to matters of relief of an open vestry, or whether such vestry has now, in fact, on such matters, any legal authority at all.' Everywhere, however, it is asserted 'that the practical influence of the vestry is very great; that it forms, in fact, the ruling authority of the parish, a sort of council of government, of which the overseers and members, and generally the most influential members, but voting among the others and submitting to be controlled by the majority.'

#### Representative Select Vestry

Next, as the Representative Select Vestries. 'The 59 George III cap. 12, sec. 1, authorizes the inhabitants of any parish in vestry assembled to elect not more than 20 or less than 5 substantial householders, who, together with the minister, churchwardens, and overseers, after having been appointed by a magistrate, are to form the select vestry of the parish; they are directed to meet every 14 days or oftener, and to inquire into and determine the proper objects of relief, and the nature and amount of the relief to be given. The overseers are

desired to conform to their directions, and where such a vestry exists, the magistrates are forbidden to order relief until it has been proved to the satisfaction of two justices that the applicant is in want, and has been refused adequate relief by the select vestry, or that the select vestry has not assembled as directed by the act. 'Provided always,' adds the Act in its usual spirit of qualification, 'that it shall be lawful for any justice to make an order for relief in any case of urgent necessity to be specified in such order.' A subsequent clause directs them to keep minutes of their proceedings, which are to be laid before all the inhabitants in general vestry assembled twice in every year. The Act seems to be deficient in not defining the relative powers of the select vestry and the overseers. Though the overseers are directed to conform to the directions of the vestry, yet if they refuse, as is sometimes the case, the vestry appears to have no power of compelling their obedience. The Act moreover, is merely permissive and it is alleged that the select vestries were at the date of the report diminished in number.

#### Self Appointed Vestry

Next, as to the Self-appointed Select Vestries. The report affirms that these are the worst constituted of all forms of vestries, but the authority, such as it is, is not distinguishable from the representative select vestry.<sup>1</sup>

Aside from the above cited vestries, there were other classifications. There were, for example, the incorporated parishes under the Gilbert Act.

Gilbert's Act (1782), was primarily intended to facilitate the voluntary union of neighboring parishes by incorporation, for the provision of more adequate 'poor houses' but it also provided that no person should be sent to such poor houses except the aged, sick or otherwise impotent poor.<sup>2</sup>

The administration of poor relief was usually the responsibility of an unpaid local official such as a guardian or an overseer. He would determine the eligibility of those seeking

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<sup>1</sup>Mackay, op. cit., pp. 95-7.    <sup>2</sup>Redford, op. cit., p. 103.

relief. Concerning the qualifications of such individuals to administer relief to the poor, The Times stated:

'Some witnesses have declared that they thought no alterations of the poor laws would be necessary, provided a "proper officer" was chosen to administer relief in each parish. These witnesses admitted that the indispensable qualifications of a proper officer were that he should be a man of remarkable intelligence; secondly, of remarkable activity; thirdly, or remarkable firmness; and fourthly, that if he were an unpaid officer, he must also be a man of remarkable disinterestedness, ready to sacrifice himself to the performance of his duty. Several witnesses admit, or state as indispensable, such qualifications as that he must be a man who, in the adjudication of relief, habitually "estimate all the consequences," meaning the consequences which are remote and contingent, as well as those which are directly and collateral; he must be a man of "great penetration:--i.e., capable of at once detecting fraudulent rapacity when it wears the mask of indigence; he must be a man of "great firmness" to withstand the demands even of real indigence, where by yielding temporary relief, he would propagate permanent misery; he must be "regardless of popularity," ready, in the performance of a thankless duty, to incur the curses of the profligate, the censures of the sentimental, and the enmity of the powerful.'<sup>1</sup>

The question of what constituted grounds for the receiving of relief was difficult to determine. In the fifteen thousand odd areas administering their own poor law affairs, there was little uniformity. In some instances want as want constituted sufficient grounds for relief;<sup>2</sup> relief was then distributed

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<sup>1</sup>The Times (London), September 4, 1834.

<sup>2</sup>Extracts from the Information Received by His Majesty's Commissioners as to the Administration and Operation of the Poor Laws (London: B. Fellowes, 1833), p. 77. (Hereafter referred to as The Poor Law Extracts)

either with an offer of the workhouse or it was given out-doors either in the form of money or in kind. Before discussing the various types of relief, however, it would perhaps be appropriate to mention the Speenhamland Act and the influence which it exerted with regard to relief to the poor.

In May 1795 the magistrates of Berkshire met at Speenhamland, a suburb of Newbury to attempt to establish a minimum wage for that county in relation to the price of bread. On May 6 the Act was passed and provided the allowances as shown in Table I on the following page.

The action of the magistrates at Berkshire was brought about, according to Redford, by the rapid increase in prices due to the war with France, and agricultural wages which had not risen to an equivalent extent. "The same general principles were followed in parliamentary bills, promoted by Samuel Whitbread in 1795 and 1800; these parliamentary bills were rejected but the system spread very rapidly without legislative aid."<sup>1</sup>

The types of outdoor relief, while not complex, were quite varied. Outdoor relief, given in kind, for example, took several forms. It could have been with the distribution of bread or clothing, exemption from the parish rates, and in some cases in the payment of house rent by the parish. Outdoor

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<sup>1</sup>Redford, op. cit., p. 104.

TABLE I

THE ALLOWANCE SCALE INSTITUTED BY THE  
MAGISTRATES AT SPEENHAMLAND

When gallon loaf is:	I N C O M E S H O U L D B E									
	For a man	For single woman	For man and wife	With one child	With two children	With three children	With four children	With five children	With six children	With seven children
s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
1 0	3 0	2 0	4 6	6 0	7 6	9 0	10 6	12 0	13 6	15 0
1 1	3 3	2 1	4 10	6 5	8 0	9 7	11 2	12 9	14 4	15 11
1 2	3 6	2 2	5 2	6 10	8 6	10 2	11 10	13 6	15 2	16 10
1 3	3 9	2 3	5 6	7 3	9 0	10 9	12 6	14 3	16 0	17 9
1 4	4 0	2 4	5 10	7 8	9 9	11 4	13 2	15 0	16 10	18 8
1 5	4 0	2 5	5 11	7 10	9 9	11 8	13 7	15 6	17 5	19 4
1 6	4 3	2 6	6 3	8 3	10 3	12 3	14 3	16 3	18 3	20 3
1 7	4 3	2 7	6 4	8 5	10 6	12 7	14 8	16 9	18 10	20 11
1 8	4 6	2 8	6 8	8 10	11 0	13 2	15 4	17 6	19 8	21 10
1 9	4 6	2 9	6 9	9 0	11 3	13 6	15 9	18 0	20 3	22 6
1 10	4 9	2 10	7 1	9 5	11 9	14 1	16 5	18 9	21 1	23 5
1 11	4 9	2 11	7 2	9 8	12 0	14 5	16 10	19 3	21 8	24 1
2 0	5 0	3 0	7 6	10 0	12 6	15 0	17 6	20 0	22 6	25 0

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<sup>1</sup>Mackay, op. cit., p. 102.



relief in the form of money usually followed one of the following methods: (1) relief without labor, (2) the allowance system, (3) the roundsman system, (4) parish employment, and (5) the labor-rate system.

I. Relief without Labor: (a) This was sometimes given, generally in sums inadequate for the pauper's support, without any condition further than that the recipient should shift for himself and give the parish no further trouble; (b) more usually the pauper was required to give up a portion of his time and was directed to sit in a gravel-pit, stand in the pound, or attend a roll call. The object of this was to prevent the pauper's leisure from being a means of profit or of amusement; (c) in a still greater number of cases the relief was given on the plea that the pauper had lost time by reason of the weather or the caprice of a private employer.

II. The Allowance System: This term covered relief paid in aid of wages and relief paid on account of the number of children in the family. Throughout a great part of the southern counties this plan had been systematized by the publication of scales by the justices. From the reports of their assistants the Commissioners were led to believe that this practice was extending into the north.

III. The Roundsman System: This plan of relief, variously known as the Roundsman, House Row, Billet, Ticket or Stem system, was carried out by means of a contract entered into between the overseer and the employers of the parish. The parish agreed to sell to the employer the labor of one or more paupers at a certain price. The difference between that sum and the income sanctioned by the scale had to be paid out of the parish funds. The allotment of these parish paupers was frequently effected by auction, sometimes by ballot. The ticket or billet was a note of assignment given by the overseer to the pauper, who presented it to his employer as a warrant for his employment. This was carried back to the overseer, signed by the employer, as proof that the pauper had fulfilled the conditions of relief.

IV. Parish Employment: In this case the parish

employed and paid applicants for relief. In some few cases the task was made irksome, the hours were the same as in private employment and the pay was less. Under such regulation the results were fairly satisfactory. More often, however, the condition of the parish laborer was made better than that of the independent laborer. A very usual form of employment was task work on the roads or in the gravel pit. Superintendence was very lax. The collection of paupers in gangs led to riots and rick burning. The profit of this employment, such as it was, did not accrue to any individual; and, as a consequence, the more corrupt system of allowances and roundsmen was, in many cases preferred by the farmers.

V. The Labor-rate System: This last plan attains some additional importance, from the fact that it is one of the alternatives to their own recommendations, expressly considered and rejected by the Commissioners in another part of their report. It consists in an agreement entered into by the ratepayers, that they, each of them, should employ resident laborers in proportion to their rental, rating, number of horses kept for tillage, number of acres occupied, or according to some other scale, as a rule entirely irrespective of their requirements for labor. In default of carrying out such agreement, the ratepayers had to pay the wages of his proportion of the laborers to the overseers. By the provisions of 2 and 3 William IV, cap. 96, this method of relief could be legalized by a majority of three-fourths of the ratepayers of any parish, subject to the approval of a majority of the justices at petty sessions. When this Act was adopted no single ratepayer was able to defeat the object of the plan, but, as is shown in the fuller investigation of the system contained in a later portion of the report, it worked very inequitably. It was impossible to devise a scale which would distribute the laborers proportionately to the requirements of the employers. If the scale was based on assessment to the poor's rate, it was found e.g., that a very disproportionate burden was thrown on the clergy. Thus in the parish of Pulborough, Sussex, the glebe and tithe amounted to £1050 per annum. Under the system of labor rate there proposed the rector was condemned to employ 62 men at 10 s. per week; i.e. £1612 per annum, and pay in addition, a sum of £420 to the common poor rate. If the scale was based on acreage, the burden fell heavily on grazing land, where little labor was required, and on small farms,



where the farmer and his family did all the work with their own hands. Elaborate attempts are instanced whereby it was sought to remedy the inequalities, but obviously the plan lent itself to great jobbery and corruption.<sup>1</sup>

While the essential purpose of the Speenhamland Act was to permit the laborer to receive an allowance through the poor rates to supplement the income from his employer and thus obtain a minimum standard wage, the consequences of such legislation are not difficult to imagine. A situation was created where it was possible for the employer to give a minimum salary knowing that whatever he gave, it would be supplemented by a parish allowance. The other types of outdoor relief were also open to corruption. In the parish of Ewhurst, for example:

Farmers turned off their men or refused to employ them at fair wages, thereby causing a surplus fraudulently; they then took the men from the parish at reduced rates.<sup>2</sup>

This, however, was not always the case. While outdoor relief precipitated a variety of conditions, in some instances it created a great burden on the employer. Note the tendency of pauperism to spread and the depressing effects upon the farmer in the following contemporary account:

Every laborer who is thrown out of employment in the regular way, and employed on what is called the roundsman or billet system; i.e. every surplus laborer as it were reproduced himself. A surplus laborer is

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<sup>1</sup>Mackay, op. cit., pp. 56-9.

<sup>2</sup>The Poor Law Extracts, op. cit., p. 36.

thrown upon the farmer. This obliges him to dismiss, and consequently throws out of employment, one of his former laborers, who becomes dependent on parish assistance in consequence. The parish now has two men at the zero point of pauperism instead of one; and when the second man is in like manner thrown upon the farmer, he creates another; and so on. The upshot of all of which is that the number of originally surplus laborers is finally maintained by the parish, but with the accompaniment of bringing all the labor in the parish to one common state of pauperism.<sup>1</sup>

The preceding statement from the Westminster Review can be supported by the evidence of Mr. Nassau W., Senior, Esq., and illustrates the predicament of the farmer in various parishes:

Mr. Nash of Royston is proprietor and occupier of a farm containing 150 acres situate [sic] a mile and a half from his residence, and in about equal proportion in the parishes of Barhay and Reed, in the county of Hertford . . . Mr. Nash employed six men (to whom he gives throughout the year, 12 s. a week), two boys, and six horses. In 1829 Mr. Clarke, the overseer of Reed . . . told Mr. Nash he could no longer collect the money for the poor rates without resorting to coercive measures, which he would not do; and that the unemployed poor must be apportioned among the occupiers of land, in proportion to their respective quantities; and that he (Mr. Nash) must take two more men. All of Mr. Nash's laborers had been some years in his service, and were steady industrious men, and he regretted the necessity of parting with any of them.<sup>2</sup>

According to Mr. Nassau, Mr. Nash was forced to displace two of his industrious workers with two others from the parish

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<sup>1</sup> The Westminster Review, XVIII, (April, 1833), 428-29.

who proved to be of less value to him. One of the replacements was addicted to drinking and the other was in ill health, he added.<sup>1</sup>

In some instances, relief to the poor had a tendency of placing the independent laborer in a precarious balance. Mr. Charles Hodges, Assistant-Overseer to the parish of Windsor, in reply to questions by Edwin Chadwick, who investigated pauperism in London and Berkshire, stated that parish workers worked less time per day than did the other day laborers. After discussing this matter with Mr. Hodges, Chadwick drew the following conclusions:

The pauper with a family gets from your parish the same wages as an industrious laborer; they moreover get their rents paid; they have opportunities of picking up additional shillings, and they work less time, and do less work than the industrious laborer. And they are also relieved from the burden of looking out for work? Yes, that is the case, [replied Mr. Hodges].<sup>2</sup>

In some instances the condition of the pauper actually appeared to be better than that of the independent laborer. In Chadwick's report on London and Berkshire, he illustrated the following chart "drawn chiefly from official returns,"<sup>3</sup> indicating the amount of food (in ounces) which was consumed per week among various classes of people, and while the validity of this chart is to be questioned, it indicates, if nothing else,

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<sup>1</sup>Ibid.    <sup>2</sup>The Poor Law Extracts, op. cit., p. 203.

<sup>3</sup>Ibid., p. 260.

a particular view as expressed by him.

1. The Independent Agricultural Laborer .	122 oz. per week
2. A Soldier. . . . .	168 oz. per week
3. Able-bodied Pauper . . . . .	151 oz. per week
4. Suspected Thief. . . . .	203 oz. per week
5. Convicted Thief. . . . .	239 oz. per week <sup>1</sup>
6. Transported Thief. . . . .	330 oz. per week

The administration of the Poor Laws was a many-faceted problem. As pauperism increased, parochial relief became in many instances to be regarded as not only a means of relief to the needy but a right which was extended and perpetuated. It was, in fact, noted that one particular parish, several generations of the same family were receiving relief. A chart illustrating this perpetuation in the parish of St. Lawrence, Reading, is contained on page 218 of The Poor Law Extracts. According to Chadwick's report, this particular family had received--as a whole--more than 100 l. per annum from the parish.

The attitude that relief was held to be a right is supported by the following statement:

Why should I tend my sick and aged parents when the parish is bound to do it, or, if I perform the service, why should I excuse the parish which is bound to pay for it?<sup>2</sup>

In the parish of Calne, Wiltshire, one man was quoted as saying, "We will have our right by the scale, or Mr. Overseer

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<sup>1</sup>Ibid., p. 261.

<sup>2</sup>The Poor Law Extracts, op. cit., p. 85.

shall take the consequence."<sup>1</sup> There was, therefore, a double situation here; that the pauper had a right to relief and, unless he received what he wanted, something unpleasant could happen to the disburser of relief funds.

In The Poor Law Extracts it has been shown that the relationship between the distribution and receipt of relief had been too close, making the situation more personal than it should have been in administrative matters.

With regard to the administration of the Poor Laws, another difficulty lay in the conflict between the various parish authorities. In some parishes where there was a question of eligibility and the applicant denied relief, he would take his problem to the magistrate, who would, in many instances, reverse the decision of the local overseer. As a result of this, in some cases, according to the inquiries of the Poor Law Commission, overseers would dispense relief to a parishioner although they knew that the person was not eligible because they thought that the magistrates would over-ride their objections or rejections and demand that the parishioner be relieved. Note the following examples:

Mr. Thomas Fowler, the overseer of Aston Clinton, [Buckinghamshire], stated that the young men of the parish 'dress very smart on a Sunday, and come to the overseer next day. When they earn money at harvest time, they spend it on something fine, not caring

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<sup>1</sup>Ibid., p. 108.

about durability, and will come to the overseer immediately after harvest. If we refuse them they run to the magistrates, who always side with the poor since the riots.<sup>1</sup>

In Ticehurst, Sussex, Mr. G. Courthope, a magistrate resident in the parish, said:

In those places where the magistrates draw well with the parochial authorities, the overseers would wish for the appeal as they receive assistance from the sanction of the magistrate; but where the magistrates are very generally interfering with and controlling the proceedings of the vestry, the overseer loses all authority in the parish and nothing can go on well.<sup>2</sup>

In the County of Cambridge, Dr. Webb, then Master of Clare Hall, and vice-chancellor of the University, said, that in his opinion, a great part of the relief to the poor burden grew out of the injudicious interference of the magistrates, and the readiness with which they over-ruled the discretion of the overseer.<sup>3</sup> Mr. Webb had been a county magistrate for sixteen years.

There was also the lucid example in Cambridgeshire of a pauper named Sutton who, after an absence, returned to his parish and applied for relief for himself and family.

The overseers, suspecting that he possessed clothes managed to get him and his wife out of the room, keeping the little girl in, and they asked the child where her Sunday frock was. She answered that it was locked up

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<sup>1</sup>Ibid., p. 83.

<sup>2</sup>The Poor Law Extracts, op. cit., p. 53. <sup>3</sup>Ibid., p. 125.



in a box at Cambridge with other things. Here the mother came in to call the girl out, but the overseer would not let her go. Whereupon the father Sutton came in with a bludgeon, and seized the child by the arm. The overseers held her, but the father pulling her as to hurt her, they let her go, and he took her outside and beat her violently. He then returned, demanding relief, which they refused. He abused them dreadfully, threatened to rip up one, burn the town, and behaved with such violence that they were compelled to have him handcuffed and his legs tied, and he was wheeled in a barrow to the magistrate, where they charged him with assault. The magistrate asked whether they could swear they were in bodily fear of Sutton, and they replying that they were not, he dismissed the charge, and ordered Sutton relief.<sup>1</sup>

The question of settlement was an integral part of relief to the poor prior to 1834. A tendency existed among the various parishes of parishioners to move from the poorer to the wealthier areas. This tendency was to a degree arrested in the early stages of relief to the poor by an Act of Settlement in 1662 by which "... any poor man who settled in a parish for more than forty days would become chargeable to that parish in case of destitution. The parish was, however, allowed to have him sent home in the interval, and naturally wishing to keep the rates down, would be reasonably sure to do so."<sup>2</sup> In a report by the Rev. R. R. Bailey, to Edwin Chadwick, he described the results of the Acts of Settlement prior to 1834 as follows:

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<sup>1</sup>Ibid., p. 387.

<sup>2</sup>Esme Wingfield-Stratford, The History of British Civilization (New York: Harcourt Brace, 1932), p. 577.

I consider that the present law of settlement renders the peasant, to all intents and purposes, a bondsman: he is chained to the soil by the operation of the system, and it forbids his acquiring property, or enjoying it openly or honestly. I am of the opinion that management by hundreds, instead of by parishes, would greatly benefit all classes. Very frequently instances have occurred to me of one parish being full of laborers, and suffering greatly from want of employment, whilst in another adjacent parish, there is a demand for labor. I have no doubt that if the laborers were freed from their present trammels, there would be such a circulation of labor as would relieve the agricultural districts.<sup>1</sup>

Similarly, Mr. W. Hickson, Senior, of Smithfield, stated that after observing the operation of the poor laws, his opinion was that the present system had the effect of stopping the circulation of labor.<sup>2</sup>

The preceding data creates a confusion; on the one hand it has been indicated earlier that there was a movement from the south to the industrial north, while on the other, authorities cited indicate that the Settlement Acts tended to chain labor to a specific area. It is assumed therefore, that this entire matter must have been one of degree.

#### UNIONS AND CONTRACT MANAGEMENT

Various people in the early part of the nineteenth century made a plea for the centralization of authority with regard to administering relief to the poor. It was suggested that

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<sup>1</sup>The Poor Law Extracts, op. cit., p. 271.

<sup>2</sup>Ibid., p. 269.



parishes combine for their mutual benefit. Instead of having over fifteen thousand administrative units with probably an even greater number of administrators, many of whom appeared to have neither the time nor the ability to administer to the poor, a smaller, close knit unit should have that responsibility. Such a creation, it was contended, would also tend to relieve the local parish officers with regard to threats upon their lives and property by rejected applicants. With such a centralized authority the local officers could sympathize with a rejected applicant's problems while explaining that the authority to dispense relief was no longer within their power but was the responsibility of some far-off group in London or elsewhere.

One of the advocates for such a plan was Edwin Chadwick, who compiled data as to the administration and operation of the Poor Laws for the Poor Law Commissioners in 1832-33, in London and Berkshire.

In the summation of the conditions of the areas he investigated, Chadwick, with regard to centralization, said:

. . . that of these evils, that which consists merely in the amount of the rates, an evil great when considered by itself, but trifling when combined with the moral effects which I am deploring, might be much diminished by the combination of workhouses, and by substituting a rigid administration and contract management for the existing scenes of neglect. Extravagance, jobbing, and fraud.<sup>1</sup>

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<sup>1</sup>Ibid., p. 338.

Mr. William Winkworth, the Overseer of St. Mary's Parish in Reading, gave Chadwick the following information:

In this town great advantage would be derived by a union of the parishes. There would be great gain derived from a union: first, in obtaining more efficient officers and administrators; next, in systematic and united management; thirdly, in more economical expenditure; and fourthly, in finding things for labor, and in directing the labor of the able-bodied paupers.<sup>1</sup>

Mr. Winkworth recognized that there were several obstacles in the way to such a union of parishes, an important one of which was the fact that many of the wealthier parishes would object to such a move on the basis that their rates would be raised in order to bear the burden of the poorer parishes.

The question of centralization was not met with unanimous approval as indicated by the statements made by The Times (London). They contended that the proposed system of administration created "... a power unknown to the British constitution, a triumvirate (which it is said Mr. Joseph Hume, from his old Greek associates we must call a classical authority, designates a dictatorship) vested with powers exceeding those of the two houses of Parliament, and with the immunities hitherto only permitted to the judges, and to them but grudgingly and incompletely."<sup>2</sup>

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<sup>1</sup>Ibid., p. 207.

<sup>2</sup>The Times (London) May 2, 1834.

The controversial question of contract management was also discussed in the London-Berkshire report. In its defense, evidence was submitted by Charles Mott, a contractor for the maintenance of the poor at Lambeth. According to Mr. Mott, who had spent the preceding twelve years maintaining the poor in workhouses, the difference between parochial and contractual management was ascribed "'... principally to the different descriptions of food given out in more exact proportions.'"<sup>1</sup> Mr. Mott asserted further:

'Another great point in favor of contract management is, that the contractor is unlimited in his markets, and that there is no favoritism or corruption on the part of the tradesmen. It is notorious that there is great partiality in the parochial dealings'.<sup>2</sup>

To Chadwick's question, "How do you account for the extreme unpopularity of contractors, or what are called farmers of the house?" Mr. Mott replied:

'The complaints of the abuse of the contracting system are certainly too well founded; and it is undoubtedly liable to great abuse where character is not taken into account, and proper securities imposed. A contractor who is not properly chosen or made responsible, as he ought to be, will supply many of the articles very indifferently; he will give to the pauper money instead of other articles. Thus the people can do without butter, and the contractor having to supply butter, which, perhaps, would cost him 84 s. per cwt., pays the poor perhaps at the rate of about 56 s., getting thus about 50 per cent.'<sup>3</sup>

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<sup>1</sup>The Poor Law Extracts, op. cit., p. 305.

<sup>2</sup>Ibid., p. 306.    <sup>3</sup>Ibid., p. 308.

The area of contract management raises another question which Mr. Mott did not discuss. In order for men like Mr. Mott to make contracts with a series of workhouses, it would have been necessary for him to underbid his competitor for such contracts and by doing so create the possibility and perhaps the necessity of giving inferior service to the workhouse in order to make a profit from such a transaction. Such a situation does not necessarily have to follow; however, the opportunity would exist.

Before closing this Chapter concerning the administration of the Poor Laws prior to 1834, two other areas deserve some attention. One such area was the treatment of vagrants, which was, according to Mackay, "... one of the most difficult and unsatisfactory phases of Poor Law Administration." He said that prior to 1834, the laws for the management of vagrants were police measures rather than Poor Laws.<sup>1</sup>

A vagrant had no semblance of settlement, he did not even reside, and accordingly, unless there was some special interposition in his favor, there was no one ready to accept responsibility for his relief. The special interposition which in his case was to procure him the benefit of Poor Law relief was his conviction for the criminal offence of vagrancy.<sup>2</sup>

The Act of 5 George IV. cap. 83 (1824), repealed all former Acts on Vagrancy, according to Mackay, and this Act

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<sup>1</sup>Mackay, op. cit., p. 368.

<sup>2</sup>Ibid.

consolidated the offences of vagrancy: (1) vagrants might be convicted as idle and disorderly persons, (2) as roughts and vagabonds, and (3) as incorrigible roughts.<sup>1</sup>

The other area is in regard to charitable organizations and their effect on the administration of the Poor Laws.

Throughout England and Wales--especially in the London region--various charitable organizations were in operation in the early part of the nineteenth century. How did their voluntary help aid the conditions of the laboring man, or did they, in fact, aid him at all? Did they perform a beneficial service in the parish?

In Spitalfield the Reverend William Stone was asked:

Do your observations lead you to believe that the present system of administering voluntary charity tends to create the distress which it proposes to relieve?

'I feel convinced that it does. With regard to the standing charities, that is, the charities which are in perpetual operation, the fact is unquestionable: I have known numerous families in which it is thought utterly unnecessary to provide for many regular and incidental expenses, from a confident expectation of assistance from these institutions.'<sup>2</sup>

Edwin Chadwick asked the Reverend Stone to describe the operation of the various charitable organizations which were available in his parish and to trace the development of a new born baby via charitable organization. The Reverend Stone then described the various charitable institutions available

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<sup>1</sup>Ibid., pp. 368-69.

<sup>2</sup>The Poor Law Extracts, op. cit., p. 294.

to the poor and over several pages traced such a development.

He concluded with:

'Before leaving the world, he might, perhaps, return thanks to the public. He has been born for nothing--he has been nursed for nothing--he has been clothed for nothing--he has been educated for nothing--he has been put out in the world for nothing--he has had medicine and medical attendance for nothing--and he has had his children also born, nursed, clothed, fed, educated, established and physicked for nothing.<sup>1</sup>

The Reverend Stone stressed the point that the picture which he had presented was not an extraordinary instance. It is again wondered, however, if the preceding data reflected the extent of the Commissioner's thoroughness?

#### SUMMARY

The question of jurisdiction was a difficult one indeed. With approximately fifteen thousand administrative units disbursing relief to their poor, the parishes were beset by many problems. Generally the question of a need of change in this administrative system has been acknowledged by present-day historians, and the people of that era. Controversy arose, however, as to what changes were to be made. Perhaps one of the strongest antagonists to the proposed plans of the Poor Law Commissioners was The Times (London), which wholeheartedly denounced the creation of a three-man group to head the New Poor Laws.

<sup>1</sup>The Poor Law Extracts, op. cit., pp. 301-2.



The various types of relief, as indicated by Thomas Mackay, and the methods of their disbursement also appeared to be in need of change no matter from which standpoint one views the matter; complaints have been made by both the administrators and the recipients of relief. Certainly, the various forms of relief indicate how far the Poor Laws had drifted from the original Elizabethan Act of 1601. (see page 1)

It has also been illustrated that in some instances the dividing line between the independent laborer and the pauper was very thin. What was to prevent an independent laborer from becoming a pauper? According to the data compiled an independent person could, in some areas, be better off as a pauper. Perhaps his pride held him off, but for how long could pride suffice? Could he face starvation for himself and his family at a minimum wage while all around him his fellow workers were going on relief? Could he withstand the pressures of being hired from day to day, as was the case in many parishes, without the security of steady employment, when by going on relief, he would be assured of an allowance; work would be found for him, and in some instances, even his rent might be paid for him through the parish poor rates? It would have appeared to have been a difficult stand to take for an extended period of time.

The question of Settlement was, of course, of a most serious nature. While many people did leave their parishes in search of employment and higher wages in the areas of the

north, the very existence of a Settlement Act would have appeared to be in conflict with the new economic philosophy of laissez faire, and possibly hindered many people from moving out of their parish. This seems to be indicated by the statements of the Reverend R. R. Bailey and Mr. William Hickson.

The status of the vagrant, as Mackay painted out, was one of concern. Without settlement rights, a vagrant was classed (by law) as a criminal, and as such he found relief.<sup>1</sup>

Finally, the preponderance of public charitable organizations in the early part of the nineteenth century was regarded by the Poor Law administrators as a means of perpetuating pauperism instead of reducing its numbers.

Such were the conditions when the Poor Law Amendment Act was passed in 1834.

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<sup>1</sup>Mackay, op. cit., p. 368.



## CHAPTER IV

### A SUMMARY OF THE AMENDMENT ACT

After much controversy the Poor Law Amendment Act was given the royal assent on August 14, 1834.

The principles of the many-faceted Act have been summarized by Sidney and Beatrice Webb under the following five headings: (1) the principle of national uniformity with regard to the classification and treatment of paupers; (2) the abolishment of all outdoor relief to the able-bodied paupers and their families; (3) the Workhouse Test, i.e. the necessity of entering a workhouse as a test of destitution; (4) the condition of less-eligibility, i.e. the condition of the pauper receiving relief should be less eligible than that of the lowest class of independent laborers; and (5) the classification and separation of sexes within the workhouses.<sup>1</sup>

The Amendment Act itself is described by Mackay in summary form:

The earlier sections, 1-14, provided for the appointment of the Central Control consisting of three Commissioners appointed by the Crown; for their authority to appoint a Secretary and Assistant Commissioners, and to remove the same; for their exclusion from parliament; and for limiting their tenure of office to five years.

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<sup>1</sup>Sidney and Beatrice Webb. English Poor Law Policy, (London: Longmans, Green and Co., 1910), p. 83.

By Section 15 the whole administration of relief is made subject to the direction and control of the Commissioners. They are authorised to issue rules, orders, and regulations for the management of the poor. They are not, however, to interfere in any individual case for the purpose of ordering relief.

Sections 16, 17, and 18 provide that general rules shall not take effect for 40 days after their submission to the Secretary of State. Within that time they may be disallowed by an Order in Council. They are also to be laid before parliament. The distinction between general and other rules is not very clear, but a general rule was subsequently held to be a rule addressed to more than one union. In practice, during the first years of the Commission, little or no use was made of General Orders or Rules.

Section 19 is a religious-conscience clause.

By Section 20 no rule, order or regulation of the Commissioners, 'except orders made in answer to state-ments and reports hereinafter authorised to be made by overseers or guardians to the said Commissioners' shall be in force till after the expiration of 14 days following its delivery to the overseers or guardians.

By Sections 21 and 22 the administration of the law in parishes under Gilbert's Act and local Acts is made subject to the Commissioners. The Commissioners, however, had no power to dissolve these incorporations or to alter their constitution.

The workhouse-building powers of the Commission are contained in Section 23, 24, and 25, and are as follows: with the consent of a majority of guardians of any union, or with the consent of a majority of the ratepayers and owners of property of any parish, the Commissioners may order a workhouse to be built or enlarged, according to a plan to be approved by them. The money required for this purpose must be raised by rate or by loan; but the sum so raised or borrowed is not to exceed the average annual amount of rates for the last three years. Without such consent the Commissioners can order repairs and alterations to the extent of £50, or one-tenth of the average rate for three years past.

By Section 26 the Commissioners may form parishes

into unions as they think fit; but each parish shall pay for the relief of its own poor.

By Section 27 two justices may order relief out of the workhouse, provided one of them can certify of his own knowledge that the poor person, from the old age or infirmity, is wholly unable to work. This clause seems to have remained a dead letter.

By Sections 28, 29, and 30 the union expenses are to be assessed by the Commissioners, on the united parishes, proportionately to the average poor rate expenditure in each for the three last years. The parliamentary returns are to be conclusive evidence of such average.

By Section 31 the earlier prohibitions, contained in Gilbert's Act, etc., of the union of parishes distant more than 10 miles from the common workhouse, are repealed.

By Section 32, with consent of two-thirds of guardians, Commissioners can dissolve, take from, and add to any union.

Sections 33, 34, 35, 36, and 37 permit, subject to approval of Commissioners, the union of parishes for settlement and rating, as well as for administrative purposes.

Sections 38, 39, 40, and 41 govern the election of guardians. Justices are ex officio guardians. The Commissioners may (provided the limit does not exceed £40 annual rental) fix the property qualifications for guardians. The larger owners and occupiers are to have additional votes in proportion to their rating. Votes are to be taken in writing and collected. The powers of the Commission in the matter of directing elections are applicable to Gilbert and Local Act parishes.

By Sections 43-45 Commissioners are authorised to make rules for the government of workhouses; and by

Sections 46-48 to direct the appointment of the various union officers. The paid officers are to hold their appointments subject to the orders of the Commissioners, and are removable by them.

Sections 49-51 order that supplies are to be purchased

by contract in conformity with directions of the Commissioners.

Section 52 recites the evils of relief as at present administered to the able-bodied and their families, and also the difficulty of altering established practice suddenly; it then empowers the Commissioners to regulate the relief given to the able-bodied and their families out of the workhouse. In the last resort, after objection has been duly heard, the Commissioners have power to issue peremptory orders. After this all relief given in contravention of the order is illegal, except in cases of emergency, which must, moreover, be reported and approved by the Commissioners.

Sections 53 and 54 repeal the power of the magistrates to grant relief. No relief in future is to be given except by the order of the board of guardians. The overseers, however, are still required to relieve in cases of sudden and urgent necessity, and the magistrates may order the overseer to relieve in such cases.

By Section 55 masters of workhouses and overseers are to keep registers.

By Sections 56 and 57 it is enacted that all relief given to a wife, or child under 16, not being blind or deaf and dumb, shall be relief to the husband or father. The father is made liable for his step-children.

Sections 58 and 59 provide that such relief as the Commissioners may direct, is to be considered a loan.

Section 60 repeals the Act which required relief to be given families of militiamen.

By 61 justices are charged to see that the orders of the Commissioners with regard to apprenticeship are observed.

Section 62 authorises owners and occupiers, entitled to vote in any parish, to rate the parish for emigration.

By Section 63 the overseers may apply to the Exchequer Bill Commissioners for a loan for the purposes of the Act.

Sections 64-68 abolish settlement by hiring and service.

and by residence under the same, or by serving an office. No settlement which was incomplete at the passing of the Act to be valid. No settlement is to be acquired by sea service, or by estate unless such owner reside thin 10 miles thereof.

Sections 67-71 repeal Acts relating to the liability and punishment of the punative father of a bastard, and to the punishment of the mother. They also render null securities and bonds of indemnity given to the parish for bastards. The mother of an illegitimate child is declared to be liable for its support.

By Sections 72-76, on application of overseers the Court of Quarter-Sessions may make an order on the father of a bastard for maintenance. Testimony corroborative of the mother's evidence must be produced. No part of the money may be applied to the support of the mother. The wages of the father refusing to pay may be attached.

Section 77 enacts that no person concerned in the administration of the Poor Law may be a contractor, or receive profit in respect of supplies, etc.

By Section 78 sums payable by relations under 43 Elizabeth, cap. 2, are recoverable under this Act.

Section 79-84 deal with removal. No removal is legal till 21 days after notice has been sent to the parish to which order of removal is directed, accompanied by copy of the examination on which such order is made. If appeal is made against the order, removal must wait decision of appeal. The grounds of appeal must be stated.

By Section 85 Commissioners have power to call for accounts of trust and charity estates belonging to the parish.

Sections 86, 87, and 88 provide exemptions from stamp duty for documents, etc. of the board.

All payments made contrary to the provisions of the Act are, by Sections 89-90, declared illegal, and justices are called on to disallow the same.

Sections 91-94 prohibit introduction of spirituous liquors into workhouses, and contain penalites for infringement.



Sections 95-97 deal with penalties to which officers disobeying the orders of the guardians render themselves liable. Illegal orders made by the guardians are not to be obeyed.

Section 98 prescribes penalties for disobedience to orders of the Commission.

Section 99-104 deals with the recovery of penalties, appeals, etc.

Sections 105-108 provide that rules, orders, and regulations may be removed by writ of certiorari into the King's Bench at Westminster, but are to continue in force till declared illegal. Ten days' notice must be given to Commissioners.<sup>1</sup>

The following data from Encyclopedia Britannica illustrates more clearly the divisions of administrative authority:

By virtue of this Act three commissioners were appointed (originally for five years, but subsequently continued from time to time), styled 'the poor law commissioners for England and Wales,' sitting as a board and appointing assistant commissioners and other officers . . . . The whole of England was divided into twenty-one districts, to each of which an assistant commissioner was appointed. [As of 1835, there were only fifteen assistant commissioners.<sup>2</sup>] The commissioners under their powers formed poor law unions by uniting parishes for general administration, and building work-houses, guardians elected by the ratepayers (or ex officio) having the general government and administration of relief.<sup>3</sup>

The administration of the Poor Law Amendment Act was

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<sup>1</sup>Mackay, op. cit., pp. 146-51.

<sup>2</sup>First Annual Report of the Poor Law Commissioners for England and Wales. (London: W. Clowes & Sons, 1835), p. 12. (hereafter referred to as The Poor Law Commissioner's Report of 1835).

<sup>3</sup>"Poor Law," The Encyclopedia Britannica (11th ed.), XXII, 74.

the primary responsibility of the three Poor Law Commissioners. They were responsible for the regulations and supervision within the workhouses ". . . and the guidance and control of guardians and vestries and the keeping and allowing of accounts and contracts, without interfering with ordinary relief in individual cases."<sup>1</sup>

According to the Poor Law Commissioners, the Boards of Guardians did not consist of persons nominated by them or by the government. They were formed ". . . partly of magistrates sitting by virtue of their offices, and partly of members chosen by the most numerous constituency known to the law."<sup>2</sup>

Overseers, churchwardens, and other local officials were to continue to give relief upon orders of the Guardians; they were, however, not to dispense it on their own authority (except in cases of sudden and urgent necessity, and then only of administration had been deeply affected, and in kind).<sup>3</sup>

The first proceedings of the Central Authority, according to The Poor Law Commissioner's Report of 1835, were directed at explaining verbally, and by direct communication, to the

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<sup>1</sup>Ibid.

<sup>2</sup>Report of the Poor Law Commissioners on the Continuance of the Poor Law Commission and on some Further Amendments of the Laws Relating to the Relief of the Poor. London: W. Clowes & Sons, 1840), p. 15. (hereafter referred to as The Poor Law Commissioner's Report of 1839).

<sup>3</sup>The Poor Law Commissioner's Report of 1835, op. cit., p. 2.

parochial authorities that their responsibilities had not ended with the passing of the Poor Law Amendment Act. The Commissioners stated:

Our chief object was, in all these communications, to impress upon the parish officers generally, that the Legislature had not exonerated them from the performance of their duties; that they were still to continue to administer the existing laws for the relief of the poor of the parish or place for which they acted; and that, subject to the provisions of the Poor Law Amendment Act, the general transaction of parochial business should be continued (with strict attention to economy) in the accustomed course, until we should be enabled to make specific measures thereon.<sup>1</sup>

#### THE UNION OF PARISHES

The principle which was adopted for the selection of areas to be united was determined by the conditions which prevailed in those areas. The Poor Law Commissioners started in the parishes, where, according to them ". . . vicious modes of administration had become the most deeply rooted, and where the pauperized classes were the most demoralized, and the burdens of the rate payers were the heaviest."<sup>2</sup>

The union of parishes aided the problem of inadequate facilities for the relief of paupers indoors. In some parishes there was neither workhouse nor poorhouse. By uniting the various districts, this also united such institutions as existed at that time and alleviated--in part--the expense and time

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<sup>1</sup>Ibid., pp. 2-3. <sup>2</sup>Ibid., p. 12.



problem involved in the construction of new workhouses. In those areas where the number of workhouses were inadequate, relief in kind was offered to the able-bodied pauper.

### WORKHOUSES

A basic principle of the Poor Law Amendment Act of 1834, was the abolishment of all outdoor relief to the able-bodied pauper; and a second principle was that the condition of the pauper receiving relief ought to have been, on the whole, less attractive than existed for the lowest class of independent laborer.

With the adoption of the Amendment Act three categories were defined as being eligible in the disbursement of relief: (1) aged and infirm persons completely unable to work; (2) people (not able-bodied) who, from either age or infirmity were considered as being unable to maintain themselves entirely; and (3) able-bodied people.<sup>1</sup>

In compliance with the Amendment Act, new workhouses were to be built and they were to vary in size, and to be capable of maintaining from one to five hundred paupers. There was, however, a considerable degree of freedom in the construction of the various workhouses depending upon the necessities of the various areas. The latitude of freedom described, was

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<sup>1</sup>The Poor Law Commissioner's Report of 1839, op. cit.,  
p. 61.

regarded by Sidney and Beatrice Webb as ambiguous. They stated:

It is not easy to discover what policy was laid down as to the site and character of the new general workhouses thus described. There was no Special or General Order, and apparently no paper of rules to be chosen, the surroundings to be preferred, or even the area to be obtained. Nothing was prescribed as to the character of the building, the cubic space to be provided for each inmate, the sanitary arrangements, or the structural provision for classification by sex, age, character or condition. To some extent this lack of any statement of policy may have been supplied by oral explanations in the process of sanctioning the building plans. This hardly applies, however, to the choice of a site; and we cannot discover from any published document whether the Central Authority thought it preferable that the union workhouse should be located in the crowded streets of a populous city or in a pleasant rural district. The only help that seems to have been afforded was the publication in 1835 of some pictures and diagrams of suggested workhouses. From these we may infer that the Central Authority had adopted as its policy the erection of the same 'low, cheap, homely (?) building'-- [sic] bearing no little resemblance to the prison plans of the period --with which Sir. Francis Head was covering East Kent.<sup>1</sup>

Admission to the workhouses was based on one of the following conditions:

... by an order of the Board of Guardians, signified in writing by their clerk; by a provisional order in writing, signed by an overseer, churchwarden or relieving officer; by the master of the workhouse, without any such order, in case of any sudden or urgent necessity.<sup>2</sup>

The classification of paupers within workhouses was

<sup>1</sup>Webb, English Poor Law Policy, op. cit., pp. 59-60.

<sup>2</sup>Poor Law Commissioner's Report of 1835, op. cit., p. 96.

outlined in the Poor Law Commissioner's Report of 1835 as follows:

1. Aged or infirm men.
2. Able-bodied men and youths above thirteen.
3. Youths and boys above seven years and under thirteen.
4. Aged and infirm women.
5. Able-bodied women, and girls above sixteen.
6. Girls above seven years of age and under sixteen.
7. Children under seven years of age.<sup>1</sup>

X. To each class shall be assigned by the board of guardians that apartment or separate building which may best be fitted for the reception of such class, and in which they shall respectively remain, without communication, unless as is hereafter provided.

XI. Provided: firstly, if the workhouse shall not be of such capacity and arrangement as to admit all of the classes above specified, it shall, so far as it is capable, and as it may hereafter be rendered capable, be applied for the reception of the several classes in the following order: (1) for paupers of the second and fifth classes; (2) for paupers of the third, sixth, and seventh classes, and (3) for paupers of the first and fourth classes. Secondly, if for any special reason it shall at any time appear to the majority of the board of guardians to be desirable to suspend the above rule on behalf of any married couples, being paupers of the first and fourth classes, the guardians shall be at liberty to agree to a resolution to that effect. Such resolution, and the special reasons for which they deem the suspension of the order to be desirable, shall be duly entered in the minute book, and a copy of same shall be transmitted to the Poor Law Commissioners for their consent and approval; without which, the said resolution shall have no effect.<sup>2</sup>

According to the Webbs, the character of the workhouses were somewhat of an enigma. They stated that although a rigid and logical classification had existed, there had been a series of exceptions to the classification ". . . and a series of directions as to the practical segregation in daily life,

<sup>1</sup>Ibid., p. 97.    <sup>2</sup>Ibid.

additional to or inconsistent with the classification; some of them permissive and others mandatory."<sup>1</sup>

The modern student is struck at once by the omission in this compulsory classificatory scheme. There is no class for the sick, whether those suffering from infectious or contagious diseases, or from others. There is no class for the lying-in cases. There is no class for the lunatics, idiots, or imbeciles. There is no provision for infants at the breast, who, by the classificatory scheme, were ordered to be separated from their mothers. There was no class for the vagrants intending to stay only one night. Finally, there was no provision made for any segregation by character--not merely none by past character, but not even for any by present character or conduct, which would have effected a separation between quiet and orderly inmates and the turbulent prostitute or semi-criminal.<sup>2</sup>

The workhouse classification called also for the separation of man and wife and this raised a most controversial situation. According to the 1839 Report of the Commissioners, it was impossible to provide quarters for married couples in such a public establishment. If such an arrangement had been possible, it was stated, the character of the institution would have changed for such individuals and would instead have become an almshouse ". . . in which not only food, clothing, medical and spiritual aid, but even the comfort of a separate home would be provided at the public expense."<sup>3</sup>

The new Poor Law administrators in fact did permit a

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<sup>1</sup>Webb, English Poor Law Policy, op. cit., p. 61.

<sup>2</sup>Ibid., pp. 61-2.

<sup>3</sup>The Poor Law Commissioner's Report of 1839, op. cit., p. 51.

certain degree--although minimal--of family relationship. In special cases aged couples were permitted to live together within the workhouse, and children under seven years of age were not required to be separated from their mothers.<sup>1</sup> It was not until 1847 that a statute was passed whereby a husband and wife, above the age of sixty, received into a workhouse could not be compelled to live separately from one another.<sup>2</sup> (There appears to be a conflict here between the Webbs and the Poor Law Commissioners with regard to the status of young children. The former stated that the infants were separated from their mothers and the Commissioners stated that children could remain with their mothers until age seven).

In accordance with the commands of the Poor Law Commissioners, boys and girls who were inmates of the workhouse were to be instructed for at least three hours of every working day in reading, writing, and in the principles of the Christian religion.<sup>3</sup>

With regard to religion, services were to be held every Sunday in the workhouse at which all paupers were to attend, except the sick and young children, "and such as are too infirm to do so, and except also those paupers who may object so as

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<sup>1</sup>Ibid., p. 53.

<sup>2</sup>"The Poor Law," Encyclopedia Britannica, op. cit., 75.

<sup>3</sup>The Poor Law Commissioner's Report of 1835, op. cit., p. 98.

to attend, on account of their professing religious principles differing from those of the Church of England."<sup>1</sup>

#### MEDICAL RELIEF

Prior to the Amendment Act of 1834 no statute existed expressly authorizing medical aid to the destitute. Problems in this area still continued in 1839:

In the absence of any positive provisions, medical aid has, nevertheless, been supplied to the poor, and, as might have been expected from the uncontrolled discretion of parish officers of fifteen thousand districts, the arrangements for the purpose have been almost infinitely various, both as to the mode selecting the medical attendants and the amount of remuneration. Almost all, however, had the same defect--the absence of all effective control over the medical officer, as well as respects his due attendance on the sick, as with regard to the amount of his charges.<sup>2</sup>

In supplying medical aid to the poor, the basis for such relief was to provide medical aid for the really destitute and to prevent such relief from generating or encouraging pauperism; "... and with this view to withdraw from the laboring classes, the administrators of relief, and the medical officers, all motives for applying for, or administering, medical relief, unless where the circumstances render it absolutely necessary."<sup>3</sup>

In accordance with the Amendment Act, appointments of

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<sup>1</sup>Ibid., p. 99.

<sup>2</sup>The Poor Law Commissioner's Report of 1839, op. cit., pp. 73-4.

<sup>3</sup>Ibid., p. 74.



parish medical officers were then based upon certain qualifications. It was required that a medical officer should have been "'a person duly licensed to practice as a medical man,' and it was intended to include equally physicians, surgeons or apothecaries duly licensed to practice as such."<sup>1</sup>

With regard to the cost of service, each medical officer of the union fixed the sum on a competitive basis. It was found necessary, however, as a security against undue charges under such competition, to adopt a rule that the collective charges of medical aid within the new unions was not to exceed the total of the former expenditure for medical relief in the separate parishes now part of the unions.

"In some unions, as in the Wycombe union, it has been provided that the terms of the contract should be a remuneration, at a given sum per head, on the number who receive medical relief; but with the proviso that the gross charge should not exceed a given amount."<sup>2</sup>

#### SETTLEMENT RIGHTS

Thomas Mackay defined Settlement as the concept that a poor man is chargeable for relief in some particular area more so than in any other, and added that it was an integral part

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<sup>1</sup>The Poor Law Commissioner's Report of 1835, op. cit.,  
p. 52.

<sup>2</sup>Ibid., p. 53.



of the earlier Poor Law system in England.<sup>1</sup>

Sections 64-68 of the Amendment Act do not make it too clear what changes were to be made with regard to Settlement. Perhaps the following information can illustrate the situation more clearly:

Immediately before the passing of the Poor Law Amendment Act of 1834, settlements were acquired by birth, hiring and service, apprenticeship, renting a tenement estate, office or payment of rates. In addition to these an acknowledgment (by certificate), by relief or acts of acquiescence has practically the effect of a settlement, for, if unexplained, such an acknowledging stops the parish from disputing a settlement in the parish acknowledging. The Poor Law Amendment Act of 1834 abolished settlement by hiring and service (or by residence under it) and by serving an office, and by apprenticeship in the sea service. Moreover the guardians of a union might agree (subject to the approval of the Commissioners) that all the parishes forming it should for the purposes of settlement be considered as one parish.<sup>2</sup>

Settlement by parentage was permissible because legitimate children acquire the settlement rights of their father, and if they had none, they were entitled to that of their mother. Settlement by birth was allowed when it was not possible to determine the settlement rights of the parents.<sup>3</sup>

The question of Settlement also brought with it the equally important problem of removal. As the various areas

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<sup>1</sup>Mackay, op. cit., p. 341.

<sup>2</sup>"Poor Law," Encyclopedia Britannica, op. cit., 77.

<sup>3</sup>Ibid.

involved did not relish paying relief out of the poor rates to a non-resident, it was therefore, important in determining if the pauper could be removed.

Irremovability is a principle of great public importance quite irrespective of the incident of cost as between one parish or another. Before the introduction of a status of irremovability removal might take place (subject to powers of suspension in case of sickness and otherwise) after any interval during which no legal settlement was obtained; mere length of residence without concurrent circumstances involving the acquisition of a settlement on obtaining relief gave no right to a person to remain in the parish where he resided.<sup>1</sup>

#### KEEPING, EXAMINING, AND AUDITING OF ACCOUNTS

In the Poor Law Commissioner's Report of 1835 the Commissioners described their new laws regulating the accounts at the parochial and union level.

From and after the churchwardens and overseers, and the assistant overseer (all of whom we shall hereinafter designate and include under the name of the parish officers) of every parish and place comprised in the above-mentioned Union [no name given], or some or one of them shall, at the expense of such parish or place, provide, and shall, according to the forms and directions given in this our order, and in the schedule marked (A) hereunto annexed, punctually enter up and accurately keep the following books of account, namely:

The Rate Book, Schedule (A) Form 1, wherein shall be inserted particular of the assessment, amount, payment or non-payment of the poor rate of such parishes or place; the form of which book we have also given at the foot of the rules and regulations made by us on the formation of the Unions.

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<sup>1</sup>Ibid.

The Rate Receipt Checkbook, Schedule (A) Form 2, the leaves of which shall respectively contain receipts for rates, and counterparts of such receipts, to be filled up and signed by two of the churchwardens or overseers of the poor of such parish or place, such receipts to be detached from the said book, and issued to the respective rate-payers of such parish or place, as and when they shall pay such rates, and such counterparts to be retained by such parish officers in the said book.

The General Receipt Checkbook, Schedule (A) Form 3, the leaves of which shall respectively contain receipts and counterparts of receipts to be filled and signed in like manner, for any payments made for the use of such parish or place other than rates; such receipts to be detached and issued to the persons who shall make such payments, and such counterparts to be retained as above mentioned.<sup>1</sup>

While the preceding data does not explain by any means the extent of the rules and regulations set up by the Commissioners with regard to the maintaining of Union and Parish accounts, it does, however, illustrate, to some extent, the concern and new approach with which the Commissioners viewed the matter. Mackay, in describing the keeping of accounts, etc., divided them into four headings:

- (1) The parish accounts, to be kept by the overseers and churchwardens of each parish in the union.
- (2) The union cash accounts, to be kept by the clerk and board of guardians.
- (3) The accounts of the workhouses, to be kept by the master of the workhouse.
- (4) The accounts of outdoor relief and out-paupers to be kept by the relieving officers.<sup>2</sup>

To the question of what were the Poor Law Commissioners

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<sup>1</sup>The Poor Law Commissioner's Report of 1835, op. cit.,  
p. 111.

<sup>2</sup>Mackay, op. cit., pp. 170-71.

attempting to do, Mackay explained that ". . . they are clearly engaged in trying to apply the principles of modern economic science to a very complicated problem!"<sup>1</sup>

Before passing on to the question of how effective the Poor Law Amendment Act was, let us look at Sidney and Beatrice Webb's account of several facets of the Act which thus far have not been considered.

The Webbs state that in the Act of 1834, women did not appear as a class; rather, it was assumed that married women followed their husbands, ". . . either with regard to the continuance of outdoor relief to the aged, the impotent and the sick; or with regard to its regulation or prohibition in the case of the able-bodied."<sup>2</sup>

With regard to the term "able-bodied," the Webbs said this too was ambiguous. They said that in some instances the word was used as an adjective and in other instances, as a substantive. It must be inferred, they said, that the term "able-bodied," is used differently in the orders relating respectively to outdoor relief and to the management of the workhouse.

There are, as we shall presently describe, two distinct streams of regulations affecting outdoor relief to the able-bodied, one permitting such relief

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<sup>1</sup>Ibid., p. 173.

<sup>2</sup>Webb, English Poor Law Policy, op. cit., p. 15.

under conditions, culminating in the Outdoor Relief Regulation Order of December, 1853 (still in force), and the other prohibiting it subject to exceptions, culminating in the Outdoor Relief Prohibitory Order of December 21, 1844 (still in force). In the former series of regulations, beginning with the first orders issued in the autumn of 1834 to particular unions, the term 'able-bodied' is expressly qualified by the adjective 'male' ('able-bodied male persons'). In the other series, beginning in 1836 with the Consolidated Order for the Administration of Relief in Town Unions, the following category of the 'able-bodied,' if we are to go by the actual wording of the orders, clearly comprises both sexes; at first by excepting widows only from a universal rule, and presently by specifically including 'every able-bodied' person, 'male or female.' That this differing interpretation of the category of the 'able-bodied and their families' was actually intended by the Central Authority in 1840, and in 1844, and that it was not merely accidental, is shown by cases in which it was decided that outdoor relief to single women having illegitimate children was illegal, as being in contravention of the Outdoor Relief Prohibitory Order in force in those unions; thus proving that, under this order, the category of 'the able-bodied and their families' including independent women with children; although in the other kind of orders, contemporaneous in date, the same category including men only (and their families). This is all the more puzzling, in that we find the Central Authority, in 1839 at least, regarding these very outdoor relief prohibitory orders as practically, of not literally, applicable only to able-bodied males. In the comprehensive defense of its action, when pleading for the renewal of the Act, the Central Authority expressly describes these orders as 'prohibitory outdoor relief to able-bodied male paupers;' and as having attained the object aimed at, that of destroying the allowance or relief in aid of wages 'so far as respects able-bodied male paupers and their families.'<sup>1</sup>

One of the laws enacted by the Poor Law Commissioners in 1834 was that "character" was to be totally disregarded in the considering of an applicant for relief. With regard to

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<sup>1</sup>Ibid., pp. 23-4.

women, however, the Webbs point out, the Commissioners took a different attitude; "We find it the Central Authority advising that the mothers of illegitimate children should, on this ground alone, not be granted outdoor relief."<sup>1</sup>

In the area of child relief, the Webbs stated that the policy of the Poor Law Commissioners rested on the general rule that children, residing with their parents (or surviving parent) and dependent on them, had to follow them for relief.<sup>2</sup> (Age was no consideration, the primary question being, the dependence of the child for support).

The Webbs also discussed the question of separation of inmates within a workhouse and mentioned that in the Report of 1834, a suggestion had been made to separate lunatics from the other inmates; however, it took thirteen years for them to be recognized as a distinct class.<sup>3</sup>

Finally, with regard to vagrancy, the Webbs stated that the Amendment Act of 1834 was silent. They pointed out, however, that there was a provision, expressly made to enable one Justice to order temporary relief in kind, i.e. in some form other than money, to persons not settled in, nor usually residing in the parish, when the occasion was urgent and necessary, and in which the overseer had refused to extend relief.<sup>4</sup>

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<sup>1</sup>Ibid., p. 42.    <sup>2</sup>Ibid., p. 43.    <sup>3</sup>Ibid., p. 49.

<sup>4</sup>Ibid., pp. 13-14.



## CHAPTER V

### THE EFFECTS OF THE POOR LAW AFTER 1834

The Poor Law Amendment Act of 1834 was beset by many obstacles in its operation. The centralization of what had been approximately fifteen thousand autonomous areas--with regard to poor relief--brought with it a variety of problems. One such problem was the difficulty in understanding the New Poor Law. Basic to this difficulty were the diffuse administrative powers:

The poor law is not only the creation of statutes passed by parliament; it is also controlled by the subordinate jurisdiction of the local government board, which in virtue of various acts has the power to issue orders. In a single year the local government board may issue nearly two thousand orders, over a thousand of them having special reference to the poor law. It is not possible therefore even to summarize the mass of subordinate legislation. A third source of authority is the local board of guardians, which, within the discretion allowed to it by statutes and orders, can so variously administer the law that it is difficult to understand how procedure so fundamentally different can be based on one and the same law.<sup>1</sup>

### UNIONS

In compliance with the Poor Law Amendment Act of 1834, the combining of parishes began in December of 1834, and according to the figures of the Poor Law Commissioners, they had united 2,066 parishes into 112 unions by July of 1835.

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<sup>1</sup>"Poor Law," Encyclopedia Britannica, op. cit., 75.



Although these figures appear to indicate a rapid centralization, there were, however, 799 parishes within England and Wales which had not been brought under the union system as of 1839, according to the Central Authority. By December of that year a total of 13,691 parishes had been united in a population of 11,841,454.<sup>1</sup>

Some of the un-united areas were incorporations of parishes previously formed under the Gilbert Act. According to Mackay, who had used figures cited by a Mr. Twisleton in 1843, the number of parishes under the Gilbert Act ". . . must have been upwards of 975 . . . of these, 294 still remained undissolved in 1843."<sup>2</sup>

Table III will show more clearly what changes were made.

#### THE WORKHOUSE AND OUTDOOR RELIEF

With the abolishment of outdoor relief to the able-bodied, a number of paupers entered workhouses where conditions were to have been less desirable than that which existed for the lowest class of independent laborer. According to Robinson, "Few entered a workhouse who could by any means keep out of it, and those who did were generally the victims of some cruel

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<sup>1</sup>The Poor Law Commissioner's Report of 1839, op. cit., p. 6.

<sup>2</sup>Mackay, op. cit., p. 335.

TABLE III

THE NUMBER OF UNIONS FORMED BETWEEN  
DECEMBER 1834 AND JULY 1835

Months	Number of Unions Formed	Number of Parishes United
December 1834	1	14
January 1835	2	44
February 1835	17	268
March 1835	24	443
April 1835	13	217
May 1835	18	319
June 1835	19	423
July 1835	<u>18</u>	<u>338</u>
	112	2,066

1

	No. of Parishes United	Population in 1831
Total number of Unions and single parishes under Boards of Guardians, now under the pro- visions of the Poor Law Amend- ment Act, including five incor- porations in Norfolk and Suffolk . . . . 583	13,691	11,081,454

<sup>1</sup>The Poor Law Commissioner's Report of 1835, op.  
cit., p. 43.

Total number of  
parishes not yet placed  
under the Poor Law Amend-  
ment Act

December, 1839 \*\*

799\*

2,055,733

14,490

13,897,187<sup>1</sup>

and inevitable fate--."2 In the Faringdon union the disbursement of outdoor relief was discontinued, "and relief was offered to 240 able-bodied laborers. Of these, not more than about twenty entered the workhouse, and not one-half remained there more than a few days."3

Table IV indicates the expenditure on behalf of the poor, both in and outside the workhouse in the Faringdon union, for a period of six weeks commencing in May in the years 1834 and 1835. These figures, while not proving that the same was necessarily true of every new union, illustrate that in every parish of the Faringdon Union, relief to the pauper in-doors was less than that disbursed outdoors, after the institution of the Poor Law Amendment Act (August 14). The total expenditure of relief to the poor was also reduced in all but three of the parishes of this Union. Note the drop

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<sup>1</sup>The Poor Law Commissioner's Report of 1839, loc. cit.

<sup>2</sup>Robinson, op. cit., pp. 570-71.

<sup>3</sup>The Poor Law Commissioner's Report of 1835, op. cit., p. 46.

\*Total number of parishes is not clear. \*\*Author's brackets.

in the number of recipients of poor relief after 1834, in the following Table V. It would appear to give evidence of the effectiveness of the workhouse as a deterrent to those seeking relief.

TABLE IV

COMPARATIVE NUMBER OF PAUPERS IN THE SEVERAL  
PARISHES OF FARINGDON UNION FOR SIX WEEKS  
COMMENCING MAY, IN THE YEARS 1834 AND 1835

Parishes	Out of Workhouse			In Workhouse			Total Expenditure 1834			Total Expenditure 1835		
	L.	s.	d.	L.	s.	d.	L.	s.	d.	L.	s.	d.
Ashbury	22	0	7	0	0	0	25	14	6	22	0	7
Balking	8	13	4	1	8	0	20	5	5	10	1	5
Bourton	10	2	0	0	12	0	16	17	1	10	14	0
Buckland	34	10	0	7	5	9	106	16	0	41	15	9
Buscot	21	3	8	1	2	3	53	4	3	22	5	11
Charney	15	3	7	0	0	0	22	12	9	15	3	7
Coleshill	9	10	4	0	12	0	19	1	4	10	2	4
Compton	6	6	0	0	0	0	14	7	2	6	6	0
Coxwell, Great	11	13	0	0	0	0	16	2	2	11	13	0
Coxwell, Little	12	3	8	0	0	7	18	9	8	12	14	3
Eaton	5	11	2	0	0	0	13	9	3	5	11	2
Hasting												
Farington, Great*												
Farington, Little	8	5	0	0	0	0	7	16	4	8	5	0
Fernham	12	14	6	0	0	0	18	13	1	12	14	6

\*The authors state that this parish was contracted for in 1834, and no monthly return can be had.

TABLE IV (continued)

Parishes	Out of Workhouse			In Workhouse			Total Expenditure 1834			Total Expenditure 1835		
	L.	s.	d.	L.	s.	d.	L.	s.	d.	L.	s.	d.
Grafton	1	10	0	0	0	0	9	4	10	1	10	0
Hatford	3	2	6	0	0	0	6	4	6	3	2	6
Hinton	9	12	10	0	0	0	35	3	7	9	12	10
Kelmscot	6	0	0	0	0	0	9	0	8	6	0	0
Kingston	10	18	6	0	4	0	39	18	8	11	2	6
Lisle												
Langford	6	7	5	1	3	5	17	10	6	7	10	10
Longcot	17	13	1	4	16	0	32	13	2	22	9	1
Longworth	13	15	2	1	16	10	28	11	1	15	12	0
Pusey	1	7	6	0	0	0	1	7	6	1	7	6
Radcot	0	18	0	0	0	0	0	9	0	0	18	0
Shelling- ford	8	16	11	0	12	0	11	3	0	9	8	11
Shrivenham	21	14	5	1	4	0	38	12	2	22	18	5
Stanford	24	11	1	0	18	11	101	17	10	25	10	0
Uffington	15	17	9	1	1	10	37	13	3	16	19	7
Watchfield	14	19	10	0	17	9	22	5	9	15	17	7
Woolstone	8	3	9	0	1	6	14	1	8	8	5	3
							759	16	2	367	2	4

<sup>1</sup>The Poor Law Commissioner's Report of 1835, op. cit., p. 192.

TABLE V

COMPARATIVE NUMBER OF PAUPERS IN THE SEVERAL  
PARISHES OF FARINGDON UNION FOR SIX WEEKS  
COMMENCING MAY IN THE YEARS 1834 AND 1835

Parishes	1 8 3 4			1 8 3 5		
	Able- Bodied	Children	Infirm	Able- Bodied	Children	Infirm
Ashbury	1	27	23	1	21	14
Balking	10	25	8	1	8	8
Bourton	7	31	10	0	10	11
Buckland	47	124	42	6	30	37
Buscot	25	61	31	3	17	25
Charney	8	31	12	2	10	14
Coleshill	3	17	13	0	8	10
Compton	5	19	8	0	0	8
Coxwell, Great	2	12	13	1	12	11
Coxwell, Little	4	22	11	4	11	22
Eaton Hastings	3	18	9	2	10	4
Farington, Great						
Farington, Little						
Fernham	14	25	6	0	13	13
Grafton	11	9	2	0	0	2
Hatford	1	9	5	0	3	3
Hinton	16	68	10	1	10	8
Kelmscot	2	12	7	0	2	7
Kingston	24	43	10	2	13	8
Lisle						
Langford	10	18	13	2	13	7

TABLE V (continued)

Parishes	1 8 3 4				1 8 3 5			
	Able- Bodied	Children	Infirm		Able- Bodied	Children	Infirm	
Longcot	7	71	13		1	32	13	
Longworth	9	65	21		0	19	14	
Pusey	0	0	2		0	0	2	
Radcot	0	0	1		0	0	2	
Shellingford	2	3	11		0	3	9	
Shrivenham	3	38	21		0	20	25	
Stanford	55	101	30		7	34	19	
Uffington	12	9	1		0	1	0	
Watchfield	2	18	18		0	15	15	
Woolstone	<u>5</u>	<u>11</u>	<u>10</u>		<u>0</u>	<u>5</u>	<u>10</u>	
Total	288	887	361		33	320	321	

In a report to the Poor Law Commissioners in July of 1835, Edward Gulson, Esq., Assistant Poor Law Commissioner, stated with reference to the Farington Union:

'Of the first eighty-seven laborers with families, to whom outdoor relief was refused in the months of February and March, and most of whom had been constant hangers on the parish fund, and to all of whom an order for the workhouse was given for themselves and their families, not one-half availed themselves of the offer, but immediately found means of providing themselves.

'Of the rest who successfully accepted the proffered

<sup>1</sup>Ibid., p. 193.



assistance, some staid [sic] one day, some two, some three, and excepting two, none remained more than four days. Being anxious to ascertain whether the application of this principle had inflicted hardship upon these men and their families, and whether the denial of outdoor relief had driven them from their own villages to seek an uncertain subsistence elsewhere, I devoted several days in the parishes to which they belonged, to the purpose of ascertaining their real situations, by visiting them at their homes. I found that of the 85 men, 78 were at work in their respective parishes, and two others in the immediate vicinity, and not one of them had his dwelling broken up.<sup>1</sup>

In some instances, the offer of the workhouse was not even necessary in de-pauperizing parishes, according to the Poor Law Commissioners. In the parish of Cookham, for example, the Reverend Thomas Whately was able to de-pauperize the district without having to resort to offering the workhouse to able-bodied laborers. However, according to Whately, it would not have been possible to have effected this without having had the workhouse in the background to fall back upon if necessary.<sup>2</sup>

With respect to the expenses of administering to the poor within a workhouse, the Poor Law Commissioners pointed out that while it was more expensive to relieve an entire family within a workhouse than to give them a small addition to their earnings; they stressed that for every family which availed itself of the offer of the workhouse, there was a much greater number who declined such relief, and consequently,

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<sup>1</sup>Ibid., p. 190.    <sup>2</sup>Ibid., p. 10.

there was instead a considerable saving.<sup>1</sup>

As entire families were placed in the workhouse there was created a problem of what to do with the children reared within their walls. Figures indicate that the number of children within the workhouses was quite large. Note the following statement showing the number of adults and children in the workhouses at midsummer, 1838:

Quarter ended  
midsummer 1838

Total number of children under 16  
years in the Workhouses of 478 Unions . . . . 42,762

Total number of paupers above 16 years  
in the Workhouses of 478 Unions . . . . . 53,743

Total in-door paupers in 478 Unions . . . . 97,510

The number of children under two years of age in 478 Unions, as estimated from the number in the Unions in Cambridge and Essex, is 4,090. Consequently, the number of children between two and 16 years of age, in 478 Unions would on the same ratio, be 38,677.

It further appears from the preceding statement that 42,767 out of 97,510, or nearly half of the entire number of inmates of the Union Workhouses, are children under 16 years of age.

If all the parishes in England and Wales were under the Poor Law Amendment Act, the total number in the workhouses would, as estimated from the numbers just stated, be as follows:

Children under 16 years of age . . . . . 64,570  
Children between the ages of two and 16. . . 56,835<sup>2</sup>

<sup>1</sup>The Poor Law Commissioner's Report of 1839, op. cit. pp. 66-7.

<sup>2</sup>Ibid., p. 56.

The Poor Law Commissioners stated that the importance of securing a good moral, religious, and industrial training for the children within the workhouses, induced them to pay particular attention to this matter. A full account of the measures adopted by them for the improvement in the conditions of education are to be found in their Fourth and Fifth Annual Reports (1838-1839) and the appended Report of Dr. Kay.

The Poor Law Commissioners went on to say that an investigation of the circumstances of the children in the various workhouses and the means of instruction, soon convinced them that they were inadequate. As the number of children in each workhouse seldom exceeded 50 or 60 and in some cases did not amount to more than 20 or 30 children. "So small a number of children cannot be advantageously distributed into classes for the purposes of instruction, nor are they of sufficient importance to induce the rate-payers to incur the expenses requisite for providing them with competent teachers."<sup>1</sup>

As of 1839, attempts were made to consolidate the pauper children for the purpose of educating them. However, such consolidation, according to Encyclopedia Britannica, was met with little enthusiasm among the local authorities and the number of such consolidated districts were never more than twelve.<sup>2</sup>

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<sup>1</sup> Ibid.

<sup>2</sup> "Poor Law," Encyclopedia Britannica, op. cit., p. 76.

Woodward stated that education of pauper children, as stressed by the Commission of 1834, was of a "perfunctory kind."<sup>1</sup> He added that after the transfer of power in 1847 to a poor-law board, under the control of a minister, there was a gradual improvement in the treatment of children, due to the rising conditions of the age.<sup>2</sup>

Assistant Poor Law Commissioner E. C. Tufnell, in a report to the Poor Law Commission, dated December 1839, indicated his stand with regard to the contracting-out of children:

'In reference to the reduction of workhouse children, it should be remembered that the plan formerly pursued of apprenticing them by aid of premiums, or of giving weekly payments to those who would take them into service, that is, of bribing persons to give them employment has not been given up. If they now get work, it is mostly because they are partly fitted for it; and that fitness I am desirous of increasing. The plan of apprenticing by means of premiums is sometimes advocated as a scheme for disposing of the children; but it can hardly, I should think, find favor with anyone who has any knowledge of the miserable abuses that result from this practice in former periods'.<sup>3</sup>

With regard to the administration of outdoor relief, the preceding chapter outlined the principles which were to be applied to the various classes in accordance with the Amendment Act. As mentioned, however, the administration of outdoor relief was not completely curtailed in all areas, nor was the

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<sup>1</sup>Woodward, op. cit., p. 436.    <sup>2</sup>Ibid., p. 437.

<sup>3</sup>The Poor Law Commissioner's Report of 1839, op. cit., p. 121.

allowance system completely done away with. In cases of absolute destitution (however one determined such a status), an allowance was available. The following statement illustrates that point:

Notwithstanding the large reduction in the expenditure for the relief of the poor, several of the abuses of the old system of administration still continue to exist. Relief in aid of wages is still given in almost every Union to all paupers except able-bodied males, and it is given even to paupers of this latter class in many Unions in which the workhouse arrangements are not completed. Relief is still given extensively to paupers resident out of the Unions. From a recent return which we obtained, it appears that, in the quarter ending 25th March, 1838, 94,852 persons were thus supported.<sup>1</sup>

In accordance with the Amendment Act, the first measure to be enforced, said the Poor Law Commissioners, was the substitution of bread instead of money in the area of outdoor relief. This substitution, however, was determined by the number of workhouses among the various parishes. In those areas where there was a shortage of workhouses, the offer of the workhouse could not always be given and consequently, outdoor relief was furnished--in kind. "Relief in kind," said the Commissioners, "if well adapted, may be considered as relief itself; the object of the bona fide applicant being, not money, but bread, or the immediate means of sustenance."<sup>2</sup>

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<sup>1</sup>Ibid., p. 7.

<sup>2</sup>The Poor Law Commissioner's Report of 1835, op. cit., pp. 7-8.

The Central Authority stated that in a considerable number of parishes, relief in kind had been substituted in place of money and ". . . in every instance that has been presented to us, have been, to a greater or less extent, beneficial."<sup>1</sup>

A result of the distribution of relief in kind rather than money was the sharp fall in expenses in 172 parishes, in 1835, according to the Commissioners. They added that the major portions of relief in money were spent on beer or gin and little remained for the wives and families of such laborers. Relief in kind, in their opinion, was much less liable to mis-application.<sup>2</sup>

Another aspect of the relief-in-kind measure was illustrated by the Commissioners:

We have found that in parishes where there are no workhouses, or where there are classes of paupers under circumstances in which it might be inexpedient to proffer the workhouse, relief in kind in some degree operated as a self-acting test of the validity of the claim for relief.<sup>3</sup>

#### PECUNIARY EFFECTS OF THE AMENDMENT ACT

With the curtailment of outdoor relief to the able-bodied, and with the offer of the workhouse in its place, the money expended for their relief dropped considerably. Table VI gives figures cited by the Central Authority.

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<sup>1</sup>Ibid., p. 8.    <sup>2</sup>Ibid.    <sup>3</sup>Ibid., p. 7.

TABLE VI

A COMPARISON OF MONEY EXPENDED FOR THE RELIEF  
OF THE POOR FROM 1830 TO 1839

Year Ending March 25th	Monies Expended for Relief of the Poor	Average Annual Expenditure of the Five Years
1830	£6,829,042	
1831	6,798,888	
1832	7,036,968	£6,754,590
1833	6,790,799	
1834	<u>6,317,255</u>	
Total	£33,772,952	
1835	£5,526,416	
1836	4,717,629	
1837	4,044,741	£4,567,988
1838	4,123,604	
1839	<u>4,427,549</u>	
Total	£22,839,939	
Average Annual Expenditure of the 5 years 1830-4		£6,754,590
Same for the 5 years 1835-9		<u>4,567,988</u>
Average Annual Saving		£2,186,602 <sup>1</sup>

The subject of economy was an important consideration

<sup>1</sup>The Poor Law Commissioner's Report of 1839, op. cit.,  
p. 26.



in the creation of the various unions.

In several of the unions, the expense of management by the paid officers, giving the whole of their services to the parishes united, is found to be less than the personal expenses heretofore charged to the ratepayer by the unpaid annual officers.<sup>1</sup>

According to the Commissioners, one of the objections to the existence of the Poor Law Commission was its alleged expensiveness. The total expense of the Commission from August 18, 1834 until March 31, 1839, was £182,679,111.<sup>2</sup>

Also within the realm of economy were the contractual arrangements made for the various workhouses. Provisions were now purchased for the entire union rather than for each individual parish. The Poor Law Commissioners said that when parishes purchased their goods individually there existed an added source of inducement to mismanagement.<sup>3</sup>

Table VII illustrates the difference in the amount of money expended in the Uckfield union as compared with one individual parish in the purchase of various commodities.

Various other figures were cited by the Commissioners with regard to the Uckfield union, their significance, however, appeared more doubtful than those above.

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<sup>1</sup>The Poor Law Commissioner's Report of 1835, op.cit., p. 16.

<sup>2</sup>The Poor Law Commissioner's Report of 1839, op.cit., p. 25.

<sup>3</sup>The Poor Law Commissioner's Report of 1835, op.cit., p. 17.

TABLE VII

A COMPARISON OF PRICES IN THE UCKFIELD UNION SHOWING  
THE DIFFERENCES BETWEEN PURCHASING FOR AN  
ENTIRE UNION AND A SINGLE PARISH

Commodity	Tender for a Single Parish		Tender for the Whole Union
Flat Dutch cheese, per cwt.	51/4	51/4	44/
Round ditto	51/4	51/4	45/
Best London yellow soap	46/	56/	42/
Brown country yellow soap	42/	---	41/
Good moist sugar	56/	56/	49/
Ditto	---	---	52/6
Rice	32/	21/	14/6
Best store candles, per dozen lbs.	5/3	5/6	4/10
Salt, per bushel	2/6	2/	1/4

1

The poor Law Commissioners in a question and answer session with George Tattam, the Chairman of the Board of Guardians of the Wycombe union, received the following answers with regard to the effect of making contracts for provisions:

'I learn that all the little tradesmen are violent in their opposition to the contract. It is clear that under the old system they had an advantage in the number of paupers which they have not now. The more money there was paid to the paupers, the more there was to be

<sup>1</sup>Ibid., p. 50.

spent amongst the tradesmen, but the reverse is now the case. And under the old system were often encouraged to get into debt, in order that an increased price might be charged upon the several articles they bought, and their custom ensured for the future.

'Is there a saving effected to the union by the system of contract?--Decidedly, there is. We give one-half in kind (subject, of course, to exception under particular circumstances). The price of bread by contract being 4 d. for the loaf, and the charge of the little tradesmen being generally 6 d., there is a saving of one-third upon the quantity we give in kind; that is a saving of one-sixth upon the whole relief. The average cost of relief of all the parishes before the union was about 30,000 l. a year; therefore, by this contract alone 5,000 l. a year will be saved,--a sum more sufficient to pay all the expenses of management of the whole union for eleven years to come, and a reduction alone of one-sixth of all the rates upon every parish in the union!'<sup>1</sup>

At this point it is interesting to note that an issue of The Quarterly Review, in 1835, stated that in Kent, the cost of maintaining a pauper within a workhouse varied from 2 s. 2 d. a week to 4 s. 6 d.; these sums were given alike for all inmates,--men, women, children, and even month old infants. "By this arrangement it is evident that it is made the interest of the governor, who is generally the contractor, that there should exist as many babies in his dominion as can conveniently be produced."<sup>2</sup>

#### MIGRATION AND SETTLEMENT LAWS

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<sup>1</sup>Ibid., pp. 50-1.

<sup>2</sup>The Quarterly Review, (London), April, 1835, LIII, 478-79.

The preceding chapter outlined the changes in the laws of settlement as a result of the Poor Law Amendment Act of 1834. According to Mackay, it was admitted that the changes made effected a considerable improvement and reduced the amount of litigation to a large extent. However, many abuses continued, he affirms.

The granting of non-resident relief continued to be a widely adopted practice because, bad as it was, it was a less costly and unjust expedient than removal. At Lady Day 1846 there were 82,247 persons receiving non-resident relief, and . . . this practice led to a large amount of imposture, demoralization, and fraud, yet, if we reckon two and one-half persons as affected by each order or removal, it would have prevented some 32,899 warrants of removal; and the enforcement of these would . . . have been a greater evil than the chicane and demoralization attending a system of non-resident relief. . . . The Act of 1846, 9 and 10 Victoria, cap. 66, accordingly made persons who had been resident five years wholly irremovable; widows, resident when their husbands died, irremovable in the first twelve months of widowhood; and persons chargeable only through temporary sickness, irremovable on account of that chargeability, i.e. only removable on satisfactory proof that their disablement was permanent. The Act very properly endeavored to provide that non-resident paupers in receipt of non-resident relief from the parish of their settlement, or persons committed to a gaol situate in a parish, should not thereby acquire a settlement in the parish of temporary residence, but the Act was so drafted that it was not clear whether this provision with regard to non-resident paupers was retrospective or not.<sup>1</sup>

With regard to the migration of laborers, Edmund Ashworth, of Turton (near Bolton), wrote a letter to Edwin Chadwick, dated June 9, 1834 (shortly before the passing of the Poor

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<sup>1</sup>Mackay, op. cit., pp. 350-51.

Law Amendment Act). In his letter Ashworth described the demand for labor in Lancashire and the conditions of the agricultural worker in the areas of the south, and made the following suggestions:

The suggestion which I particularly wish to make is that the new bill should allow the greatest possible facility to families of this description, who should be willing or desirous of removing from the agricultural counties, where work is scarce, to the manufacturing districts, where it is abundant. Under the present law, if an enterprising family ventured to leave their parish, they lose, in the first place, the pay they are receiving; and if, on arriving in Lancashire or elsewhere, they do not immediately meet with employment, and are obliged to beg for relief, they are removed to their own parish again, at its cost. This has a direct tendency of itself to make overseers averse to families leaving their parish, and the families from any wish to leave their pay.<sup>1</sup>

According to the Poor Law Commissioners, the idea of moving laborers from the south to the north was not met with immediate response; however, after some time, a number of workers moved from the parish of Bledlow to Lancashire where their conditions appeared to have been bettered (See Appendix No. 2).

The effect of the migration upon the parishes was a proportionate reduction of the rates according to the Commissioners. "It has been reported to us that in the parish of Bledlow, where the experiment was first tried, the rates were reduced one-half, mainly in consequence of the migration."<sup>2</sup> The Commissioners

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<sup>1</sup>The Poor Law Commissioner's Report of 1835, op. cit., p. 344.

<sup>2</sup>Ibid., p. 40.

also said that the expense involved in the moving of these laborers had mostly defrayed by the parish from which they had been removed.

### VAGRANCY

Sidney and Beatrice Webb said that the Poor Law Amendment Act was silent with regard to vagrants. Mackay also stated that no provisions were made for vagrants; this was a matter left entirely to the discretion of the Commissioners.

In 1837 the Poor Law Commissioners passed a law for the admission to the workhouse of the "'casual poor,' meaning 'wayfarers' or homeless 'persons in a state of destitution . . . who . . . belonged to distant parishes.'"<sup>1</sup>

According to Mackay, it wasn't until a document, Reports and Communications on Vagrancy, was presented to parliament in 1848 that steps were finally taken to stop the spread of vagrancy.<sup>2</sup>

### MEDICAL RELIEF

On February 21, 1839, Edwin Chadwick, Secretary of the Poor Law Commissioners and described by the Dictionary of

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<sup>1</sup>Webb, English Poor Law Policy, op. cit., p. 33.

<sup>2</sup>Mackay, op. cit., pp. 377-78.



National Biography as having ". . . brought extraordinary industry and ability to bear in his difficult task. . .",<sup>1</sup> sent a circular to the various assistant commissioners asking them to report on the means of administering medical relief in their respective areas.

The questions which Chadwick wanted answers to came under nine general headings:

1. How are the medical officers selected in the several Unions under your superintendence, and has the system of tender been adopted in any cases?
2. What mode is adopted in the several Unions under your superintendence of fixing and apportioning the salaries of the medical officers? By a fixed salary, by a payment per case, by a pauper list, or how otherwise?
3. Has dissatisfaction arisen in any, and in which, of the Unions under your superintendence, on any of the following points: (1) as to the size of the districts; (2) as to the remuneration of the medical officer; (3) as to the qualifications of the medical officer; (4) as to the mode in which he is chosen; (5) as to the attendance or efficiency of the medical officer; and you will distinguish whether that dissatisfaction has arisen on the part of the poor, the medical officer, and Guardians, or the public generally?
4. Have you observed any facts in any, and in which, of the Unions under your superintendence, tending to show that a disposition to seek medical (or relief generally) has been encouraged or discouraged by the medical arrangements?
5. What is the practice in the Unions under your superintendence respecting the medical relief of the

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<sup>1</sup>Sutton, Charles W. "Edwin Chadwick," Dictionary of National Biography (London: Oxford University Press, 1917), XXII (Supplement) 407.



families of men who are usually in employment at the ordinary wages of the district?

6. What is the practice in the Union under your superintendence respecting the medical relief of persons not able-bodied men, and who are not otherwise in the receipt of outdoor relief?

7. Is it the practice in the Union under your superintendence for aged and infirm persons, or others who are habitually in the receipt of outdoor relief, to apply for an order for medical relief before the medical officer of the district attends them?

8. Do you consider that any general or special alteration of the medical arrangements in your district is desirable; and, if so, what alterations would you suggest, keeping in your view more especially the size of the districts, the establishment of a pauper list, the mode of payment of medical officers, and the mode of appointing them.

9. Can you suggest any improvements in the forms of register kept by the medical officers, or in the orders issued by the Board of Guardians or Relieving Officers, or in the forms of certificate given by the medical officers or other practitioners.

Signed by order of the Board, E. Chadwick, Secretary.<sup>1</sup>

To this questionnaire The Poor Law Commissioner's Report of 1839 devoted 130 pages of answers from the various unions. The following report is from Mr. Adey, Assistant Commissioner, covering parts of Somerset, Gloucester, and Wilts. Mr. Adey's report covered a total of 35 unions:

1. How are the medical officers selected in the several Unions under your superintendence, and has the system of tender been adopted in any cases?

'In 23 Unions, viz., 22 in Mr. Weale's late district,

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<sup>1</sup>The Poor Law Commissioner's Report of 1839, op. cit., p. 157.

and one in Colonel Court's, viz., the Chippenham Union, the salaries being first fixed by the Guardians, chiefly on the basis of 3 d. to 4 d. on the population according to distance and other circumstances; the districts and salaries are advertised, and the Guardians select the officer from the candidates who offer themselves.

'In 10 Unions in Colonel Court's late district the case appears reversed; tenders from the medical gentlemen, at a salary fixed by them, being advertised for, and the Guardians then making a selection from the candidates.

'In two Unions, viz., Calne and Bradford, there has been no competition either way, the Guardians having arranged their districts to suit the resident medical gentlemen, at an annual salary mutually agreed upon.

2. What mode is adopted in the several Unions under your superintendence of fixing and apportioning the salaries of the medical officers by a fixed salary?

'In all of the Unions. In 23 Unions fixed by Guardians on the basis before stated. In 10 Unions by the medical candidates themselves. Two Unions mutually arranged between Guardians and officer.'

By a payment per case?

'One District of a Union (Highworth) only, with a maximum.'

By a pauper list or how otherwise?

'None.'

3. Has dissatisfaction arisen in any and in which of the Unions under your superintendence, on any of the following points?

(1) as to the size of the districts.

'No--in 25 Union [sic] Yes--in 10 Unions, on the part of the medical officers only.'

(2) as to the remuneration of the medical officer.

'No--in 21 Unions. Yes--in 14 Unions, on the part of the medical officer.'

(3) as to the qualification of the medical officer.

'No--in 34 Unions. Yes--in one Union (Bridgewater).'

(4) as to the mode in which he is chosen.

'No--in 34 Unions. Yes--in one Union (Bridgewater).'

(5) as to the attendance or efficiency of the medical officer.

'No--in 30 Unions. Yes--in five Unions; on the part of the poor two of the five brought forward by the poor themselves, and the remaining three by the Guardians at their request.'

4. Have you observed any facts in any and in which of the Unions under your superintendence, to show that a disposition to seek medical relief (or relief generally) has been discouraged or encouraged by the medical arrangements?

'Yes--in 20 Unions, the usual cause assigned being the expectation on the part of the pauper of obtaining pecuniary relief when once on the medical lists, and the unlimited power exercised by the medical officers in ordering relief in kind, to aid the operation of their medicines, a power which they neither possessed nor exercised under the old law. In the remaining 15 Unions, the answer to this query is that they are not aware of any difference.'

5. What is the practice in the Unions under your superintendence respecting the medical relief of the families of men who are usually in employment at the ordinary wages of the district?

'In one Union to afford it to laborers, but not artisans. In two Unions, to afford it when the heads of families (man or wife) are ill. In five Unions, to afford it only in cases of emergency. In 27 Unions, to afford it generally when any members of the family are ill.'

6. What is the practice in the Unions under your superintendence respecting medical relief or persons not being able-bodied, and who are not otherwise in the receipt of outdoor relief?

'In five Unions, to afford it only in cases of emergency. In 30 Unions, to afford it to all the Guardians considered unable to pay for themselves.'

7. Is it the practice in the Unions under your superintendence for aged or infirm persons, or others who are habitually in the receipt of outdoor relief, to apply for an order for medical relief before the medical officer of the district attends them?

'Yes, in 17 unions. No in 18 Unions. The medical officers in general being aware that they would receive orders as a matter of course.'

8. Do you consider any general or special alteration of the medical arrangements in your district is desirable, and if so, what alteration would you suggest, keeping in your view more especially the size of the district, the establishment of a pauper list, the mode of payment of medical officers, and the mode of appointing them?

'I am afraid a general alteration is not practicable, but that the medical arrangements must depend upon the particular circumstances of the district.'

'I am fully satisfied that the medical arrangements of the whole of my present district have greatly encouraged a disposition on the part of the poor, whether recipients of pecuniary relief or not, to seek medical relief.'

'In addition to the usual cause which operates on all paupers not receiving pecuniary relief--viz. the expectation or hope of its leading to pecuniary relief --the medical men, previous to the new Poor Law Act, never possessed, or at least never exercised, the privilege of recommending (in effect ordering) nutritious diet and articles of clothing, as at present, to an extent only limited by their discretion. Nor did the payment per case, in midwifery cases, now general, exist under the old parochial contracts. The great bulk of the women were then attended in their confinements by a female midwife, at a very moderate rate. Now they and the midwives, frequently, I fear, at the instigation of the medical officer, make every excuse of obtaining his attendance, knowing that relief in kind, in the shape of tea, sugar, linen, etc. is invariably recommended or ordered by him, and in many instances pecuniary relief

also allowed by the Guardians. These among others may be mentioned as reasons tending to show the certainty of the existence of a greater disposition on the part of the pauper to seek medical relief now than formerly.

'The system of medical relief which, in my opinion, has worked best, is that pursued at Bedford, which is founded on a pauper list, and the payment per case for casual paupers at a proportionate rate. And it not being the custom in that county to allow the medical officer to direct or recommend any additional dietary (except in some very special case) to any of the outdoor paupers, no abuse of the nature I have mentioned had ever crept in when the Union was transferred from me.

'I find, however, the habits of the poor and of the medical men of this district, and the practice as to medical relief so different from Bedfordshire, that I am very far from considering that it is practicable to carry out the same system here.'

[sic] Can you suggest any improvement in the forms of register kept by the medical officers, or in the orders issued by the Board of Guardians or relieving officers, or in the forms of certificate given by the medical officers or other practitioner?

'The two forms directed to be kept by the medical officers are extremely imperfect and unsatisfactory, neither dovetailing with each other nor possessing any self-proving test of their correctness. They are isolated forms, not connected with the relieving officer's application book and relief list, nor with the returns required by the Quarterly Abstract. They are useful, therefore, not only according to the attention bestowed on them by the medical officer and Guardians, which varies materially in different Unions.

'I have no doubt great improvements may be effected in the forms, as has been done at Bedford, but my impression is strong, that to make the various forms connected with medical relief perfect, the application book and relief list, for either medical or pecuniary relief arising from illness, should be distinct and separate books, unconnected with the other cases of relief, but dovetailing, and supported by the medical officers' returns.'

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<sup>1</sup>The Poor Law Commissioner's Report of 1839, *op.cit.*, pp.158-62.



## THE AMENDMENT ACT: UNCONSTITUTIONAL OR ARBITRARY

Another area of importance in connection with the Poor Law Amendment Act was centered around the question of its constitutionality. According to The Poor Law Commissioner's Report of 1839, the primary objections to the Poor Law Commission stemmed from the assertions that it was unconstitutional or arbitrary.<sup>1</sup>

In support of their position, the Commissioners cited various other centralized agencies of government which were accepted and not held to be in violation of the constitution. They asserted:

" . . . we may observe that this objection appears to assume that nearly the entire administration of the United Kingdom is conducted by local authorities, bound together by no common tie except the general law, and acknowledgment. This assumption, however, is not consistent with fact.<sup>2</sup>

The Commissioners then cited a series of examples such as the army, navy, postoffice and other centralized agencies.

While the forming of unions was primarily the responsibility of the Poor Law Commission, they pointed out that, the Board of Guardians nevertheless, dispensed all relief, appointed all paid officers and was generally responsible for all other Poor Law business and was only generally responsible to the three Commissioners. In The History of British Civilization, by Esme Wingfield-Stratford, however, the following

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<sup>1</sup>Ibid., p. 13.    <sup>2</sup>Ibid., p. 13.

statement is made: ". . . artificial unions of parishes were made the unit of administration, and their Boards of Guardians were merely the mouthpieces of three permanent Commissioners sitting at Whitehall."<sup>1</sup>

Mr. Wingfield-Stratford's basis for the preceding statement is not known; however, it is recognized that by the very creation of a centralized authority appointing subordinate officials, a situation would be created for possible misuse. Nevertheless, as stated in the previous chapter, by a proviso in the fifteenth section of the Amendment, the permanent Commissioners were expressly prohibited from dealing with any individual case in the dispensing of relief.

With respect to the complaint of the arbitrary procedure of the Poor Law Commission, we may remark that it not only is not true, but is the very reverse of the truth. The old administration of the Poor Law was characterized by repeated arbitrary departure from the law, established by the systematic practice of parish officers and magistrates over large districts of country.<sup>2</sup>

The Poor Law Commissioners expressed the opinion that although the Amendment Act had an outwardly unpopular appearance, it was nevertheless essentially popular; that it was restrictive in character as compared to the Poor Law adminis-

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<sup>1</sup>Esme Wingfield-Stratford, The History of British Civilization. (New York: Harcourt Brace, 1932), p. 972.

<sup>2</sup>The Poor Law Commissioner's Report of 1839, loc. cit.



tration prior to 1834, and it was admitted that it was a measure which plausibly represented as being hostile to the interests of the poor. The Commissioners added:

Whatever tends to raise the condition of the mass of the people by forming them to habits of forethought, frugality, and self-dependence, has a popular and equalizing tendency. The same is likewise the effect of any measure which protects the industrious laborer against contrivances intended to lower the rate of his wages, to make his employment precarious and to render him on the caprices or shortsightedness of his employers. But, although the Poor Law Amendment Act produces these effects, it accomplishes its purpose by abolishing abuses which, however pernicious they may have been to the poor in general, gave to some of them an easy subsistence at the public expense.<sup>1</sup>

By contract, Mowat and Slosson stated that no other Whig measure so completely alienated the working class than the Poor Law Amendment Act.<sup>2</sup> Similarly, Trevelyan said that at Wellington's orders, ". . . the Lords resisted the temptation to throw out this very unpopular measure."<sup>3</sup>

In defense against the newspapers which voiced their disapproval of the Amendment Act, and according to Woodward, every important newspaper was, the Poor Law Commissioners stated that the newspapers were not attacking the New Law *per se*, but with a desire of ". . . producing an acceptable commodity for their readers."<sup>4</sup> "Indeed," they asserted, "so

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<sup>1</sup>Ibid., p. 28.    <sup>2</sup>Mowat & Slosson, op. cit., pp. 373-4.

<sup>3</sup>Trevelyan, English Social History, op. cit., p. 540.

<sup>4</sup>Woodward, op. cit., p. 433.

tempting a speculation for popular writers was afforded by the appetite for Poor Law horrors, that they have been introduced into tales of fiction."<sup>1</sup>

The Whig periodical, The Edinburgh Review, also described the actions of the London press as exciting the people and raising uncompromising opposition to the Poor Law Amendment Act. "There is not upon record any instance of a measure which the public press has made more indefatigable efforts to blacken, from its first proposal, down to the day when the bill received assent."<sup>2</sup>

With regard to the stand of the London press, Chapter I of this work has indicated, to some degree, what The Times had to say about the new Poor Law Act. It regarded the creation of a three-man legislative and executive body to head the administration of relief to the poor as a "dictatorship" and in violation of the Constitution of England.<sup>3</sup> The Poor Law Commissioners would, The Times added, administer relief:

. . . without the consent or intervention, nay, contrary even to the wishes and in the teeth of the protest of the ratepayers, out of whose pockets the cost of these establishments workhouses, the cost of their erection in the first instance, and the cost of their maintenance of them (it may be forever), is to be forcibly abstracted . . . by the Poor Law Commissioners.

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<sup>1</sup>Ibid.    <sup>2</sup>The Edinburgh Review, loc. cit.

<sup>3</sup>The Times, Friday, May 2, 1834, p. 4.

<sup>4</sup>The Times, Wednesday, May 7, 1834, p. 5

## CHAPTER VI

### SUMMARY

The question, whether the Poor Law Amendment Act of 1834 was a beneficial reform measure or not, cannot be easily answered. Only through an appreciation of a series of overlapping interests, attitudes and philosophical concepts may answers be found. This, at least, is the conclusion reached by this student; however, it is hoped that the data herein compiled is such that the reader can form some of his own conclusions.

Contemporary writers and historians have wrestled with the question of the Poor Law Amendment Act for a considerable time, and have arrived at contradictory conclusions. The Amendment Act has been praised as an admirable piece of work on the one hand while on the other, condemned in no uncertain terms.

Basic to the attitude of many people, however, was the general acceptance and recognition that a problem had existed with regard to the social conditions of the poor in the early nineteenth century in England and Wales. It is also recognized that each period throughout history has probably had its own social problems, but perhaps early nineteenth century England and Wales had one unique difference, that being the relief of its indigent on a mass scale.

The difference of attitudes as reflected among the various writers and historians was partially due to the parliamentary measure of 1834 which was directed at stemming the ever-increasing rise of the poor rates. As a result of the Amendment Act some writers have stressed one area while others placed their emphasis on another, and the question of who benefited and who did not as a result of the passing of the Act, became enigmatic.

An understanding of the Amendment Act was made more difficult by the extraordinary amount of conflicting written material which exists; however, it is obvious that if there were no conflicting views on this question, then an investigation of the English Poor Laws of 1834 would have been without purpose.

What was the reasoning behind the creation of the Poor Law Amendment Act? Based on the information herein contained, the answer is as follows: the primary purpose of the Poor Law Commissioners appears to have been the abolishment of the "Allowance System", and the subsequent reduction of the poor rates. Sidney and Beatrice Webb also stated; "They the Commissioners have considered the main object of the legislature in passing the Poor Law Amendment Act to have been the extinction of the allowance system; or the system of making up the wages of laborers out of the poor's rate."<sup>1</sup>

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<sup>1</sup>Webb, English Poor Law Policy, op. cit., p. 87.

## VESTED INTERESTS

The role of vested interests is, of course, most difficult to evaluate. It is, however, the opinion of this student that the various groups involved including the farmer, both large and small, who had survived the enclosure acts, and the manufacturing classes, although to a lesser degree, did not comprehend the magnitude of the problem which was enveloping them. In 1817 Samuel Taylor Coleridge placed the blame for increasing pauperism squarely on the shoulders of the commercial system when he said:

. . . this enormous mischief is undeniably the offspring of the commercial system. In the only plausible work that I have seen, in favor of our poor laws on the present plan, the defense is grounded first, on the expediency of having labour cheap . . . .

And estates left out in the fewest possible portions --in other words, of large farms and low wages--each as indispensable to the other, and both conjointly as the only means of drawing capital to the land by which alone the largest surplus is obtainable for the state: that is, for the market, as in order that the smallest possible proportion of the largest possible produce may be consumed by the raisers and their families! Secondly, on the impossibility of supplying, as we have supplied, all the countries of the civilized world (India and China perhaps excepted) and of underselling them in their own markets.<sup>1</sup>

In the realm of employer and employee relations, the effect of an allowance to supplement a pauper's income tended

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<sup>1</sup>Samuel T. Coleridge, "A Lay Sermon," (1817), Political Tracts of Wordsworth, Coleridge and Shelley, ed. R. J. White, (Cambridge: University Press, 1953), p. 113.

logically to decrease his potential as a worker. A worker's incentive tended to lose ground under a system which gave him a minimum salary and a dole from the parish and in a system which gave him a wage, not based upon his ability, but upon a minimum sustenance.

When outdoor relief was prohibited to the able-bodied laborer, he was forced to rely upon the wages which he received from his employer. This dependence upon the employer spurred the laborer to greater effort in an endeavor to secure a better wage. Such a situation--abolishment of outdoor relief--would also tend to create or re-create a spirit of competition among the workers which obviously could not and was not the case under the allowance system.

While the primary effects of the extinction of the allowance system were felt in the agricultural regions of the south, a similar situation existed among the manufacturing classes although to a lesser degree. Note the wages of the 19 families who moved from an agricultural area to Lancashire (Appendix No. 2).

In some instances the hands of the farmers were tied. In their day-to-day existence in the early part of the nineteenth century it is possible that the landowners who benefited through the allowance system by giving a minimum wage, were not clairvoyant enough to discern beyond their own immediate welfare and interests, and could not appreciate the picture of growing

pauperism on a national scale and even if they had, they lacked the national unity to bring about change. On the other hand, while the farmer gave a minimum wage, the increased poor rates under the various systems previously described, brought an ever-increasing burden upon the farmer, or property holder, creating in the process a cycle of expanding pauperism and a lagging economy especially in the south. According to Woodward, however, he states: "For two years the effects of the law were not much noticed in the manufacturing areas. The depression which began at the end of 1836 brought home the significance of the prohibition of outdoor relief."<sup>1</sup> (The harvests between 1832 and 1835 were good according to Woodward).<sup>2</sup>

When, in 1832, the middle classes came into power under the leadership of Lord Grey, they recognized that the then-existing methods of relief were not only extending pauperism but that the entire administration of relief to the poor was drastically inadequate. This, of course, was not a middle class discovery. In 1817, for example, while the Tories were in power, a committee appointed to examine the question of growing pauperism, stated:

'Unless some efficacious check be interposed, there is every reason to think that the amount of the assessment will continue, as it has done, to increase till, at a period more or less remote, it shall have absorbed

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<sup>1</sup>Woodward, op. cit., p. 128. Ibid., p. 60.



the profits of the property on which the rate may have been assessed, producing thereby the neglect or ruin of the land, the waste or removal of other property, and the utter subversion of that happy order of society so long upheld in these kingdoms.<sup>1</sup>

It wasn't, however, until the Whigs came to power that positive steps were taken to remove the depressing effects of the allowance system and to revitalize the working classes.

The situation in 1834 demanded strong leadership. It is suspected that anything less than a centralized authority such as was created, would have met with dismal failure in the execution of the Amendment Act.

Thus, while The Times may have had well-founded fears of the three-man legislative and executive body, with such omnipotent authority, the circumstances of that period made it necessary. According to Woodward, however,

... Public feeling disliked the rigour and bureaucratic methods of the commissioners to such an extent that in 1839 and 1840 the Whigs merely renewed the measure for another year. In 1841 Russell brought forward a proposal to continue the Act until 1851.<sup>2</sup>

However, in 1847 the three commissioners were replaced by a poor law board "... under the control of a minister."<sup>3</sup>

#### THE ROLE OF GOVERNMENT

During this period of rapid change what had been the

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<sup>1</sup>Mackay, op. cit., p. 22.    <sup>2</sup>Woodward, op. cit., p. 437.

<sup>3</sup>Ibid.

stand of the government? Had it been motivated by the conditions of the destitute, or had it been protecting the interests of the propertied classes and exponents of laissez faire?

While there were, no doubt, many enlightened individuals in parliament in 1834, it must be remembered, as stated previously, that parliament had been composed of a young but strong middle class and a landed aristocracy, and while there may have been a move to reform on the part of the former group and to conserve on the part of the latter, it is suspected that in most matters parliament, as a whole, represented property and wealth. Remember the statement by Schuyler and Weston when they said: "... To them the Whigs and Tories democracy suggested mob rule, the triumph of poverty over wealth and ignorance over knowledge."<sup>1</sup>

It is therefore difficult to determine whether the Poor Law Amendment Act was passed with the consideration of the poor foremost in their minds or whether a desire to remove the depressing effects of the allowance system from those who had been the heaviest contributors to the poor rate--the propertied classes--had been the primary consideration; however, on the basis of the information contained in this work, it is believed that the welfare of the masses played a secondary role

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<sup>1</sup>R. L. Schuyler and C. C. Weston, British Constitutional History Since 1832 (New York: D. Van Nostrand Co., Inc., 1957), p. 26. The Poor Law Commission

to the extinction of the allowance system to able-bodied paupers.

#### ADMINISTRATION

The administration of relief prior to 1834, as illustrated, was a parochial responsibility divided among the approximately 15,000 parishes. It has also been illustrated that the administration of relief had been a much mismanaged system. Even the figure of 15,000 parishes indicates to this student that somewhere between the parochial level and the records of the Poor Law Administrators there was mismanagement; one Poor Law Report (1839) gave the number of parishes as 14,490<sup>1</sup>, and The Report of 1835, used the figure of 15,635<sup>2</sup>, or areas giving relief to their poor. That is a difference of 1,145 areas or parishes.

The administration of poor relief during 1834-47, while much more controlled by the Central Authority, appeared to lack a clear definition of purpose--apart from doing away with the allowance system. This has been evidenced by the various areas of administrative neglect with regard to vagrants, the geographical differences as cited by the Webbs in the matter of relief to both sexes, and various other areas to be discussed at a later point.

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<sup>1</sup>The Poor Law Commissioner's Report of 1839, op. cit., p. 6.

<sup>2</sup>The Poor Law Commissioner's Report of 1835, op. cit., p. 6.

It should be remembered, however, that in a discussion of the question of administration prior to 1834, the only other major legislative measure had been the Elizabethan Act of 1601, and the accretions of over two hundred years did not make the task of the commissioners any easier. They had few precedents to guide them. Consequently, if they erred, it was not necessarily due to their negligence or inhumanity, rather it could have been perhaps through ignorance of the problem which they faced. As has been stated earlier, the science and art of administration had not existed prior to that time.

What role the thinking of Jeremy Bentham played in the creation of this administrative machinery has not been ascertainable; however, various authors (previously cited) appear to think that his role was not inconsiderable. The "Panopticon", a structure designed for the central inspection of convicts, bears a marked similarity to the Poor Law Commissioner's workhouse plans (See Appendix No. 1).<sup>1</sup> The scientific approach and methods of reform have also been referred to as Benthamite in origin.

While the administrative methods of the Poor Law Commissioners have been described as inadequate, they have, nevertheless, presented a much more sound approach to the problems of that day than existed prior to that time. Note, for example,

Thus, while the degree of success of the Poor Law Commission

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<sup>1</sup>Thomas E. Holland, "Jeremy Bentham," Encyclopaedia Britannica (11th ed.), III, 748.

the detailed description of bookkeeping and accounts as proposed by the commissioners. The actual document was much longer than that which was quoted. Notice also Chadwick's questionnaire concerning medical relief.

#### WHO SUFFERED AS A RESULT OF THE ACT

Who suffered as a result of the Poor Law Amendment Act? This question is as difficult to define as it is to answer. Obviously the curtailment of outdoor relief to the able-bodied pauper, in whatever manner he received aid, must have wrought hardships upon him unless he was able to find other immediate means of support. Figures of the Poor Law Commissioners have indicated that, in some areas, most of the recipients of poor relief had been able to find employment and the means of maintaining themselves and their families.

The workhouse obviously was not meant to be a place to which one would willingly go. The numbers of people who did not find work but were not willing to enter a workhouse is not known to this writer, and the degree of their hardship has not been ascertainable; however, it is only logical to conclude that, with no income and no job, the pauper's conditions with regard to maintaining himself and his family, could not have been very satisfactory.

Thus, while the degree or extent of suffering is almost an impossible question to attempt to answer, it can nevertheless

be shown that regardless of the statements that the laboring classes finally benefited by the establishment of the Poor Law Amendment Act, in that the laborer was thrown upon his own initiative, and in that the flow of commerce was increased; it was the lower classes who had to endure the immediate hardships brought about by the Amendment Act. They had little protection and even less recourse under the rule of the "three bashaws"<sup>1</sup> at Somerset House . . . ."<sup>2</sup>

#### THE FIVE PRINCIPLES OF THE AMENDMENT ACT

As stated earlier, the Poor Law Commissioners were replaced by a poor law board under the direction of a minister in 1847. In an analysis of their endeavor to reduce the poor rates during their thirteen years in office, it is necessary to re-examine the principles upon which the Amendment Act was based, and to determine whether or not these principles stood the test of practicality.

Sidney and Beatrice Webb described the various principles under the following titles: (1) national uniformity, (2) prohibition of outdoor relief to the able-bodied pauper and his family, (3) the workhouse test, (4) the principle of less eligibility; i.e., that the condition of the pauper receiving

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<sup>1</sup>Webster's New Collegiate Dictionary defines "bashaw" as a Turkish title of honor, now written pasha; hence a magnate or grandee.

<sup>2</sup>Woodward, op. cit., p. 435.

relief in the workhouse should be less desirable than that of which existed for the lowest class of independent laborer, and (5) the separation of sexes within the workhouses.<sup>1</sup>

In the area of national uniformity, the Poor Law Commissioners were not completely successful. Source material available illustrates that as of 1939, all of the parishes of England and Wales had not been united. Notice also the earlier mention of geographical differences with reference to the distribution of relief and general ambiguity of not only the term "able-bodied" but the attitude toward women as poor relief recipients. In the area of local uniformity, this was not the case.

Concerning the question of outdoor relief to the able-bodied laborers and their families, figures cited in the Poor Law Commissioner's Report of 1839 have shown that the commissioners had in fact not done away with the allowance system or other relief supplementary to wages. Five years after the institution of the Act 560,000 paupers were receiving outdoor relief,<sup>2</sup> and in fact, when the Commission for the Poor stepped down in 1847, they had not done away with it by that time.<sup>3</sup>

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<sup>1</sup>Webb, English Poor Law Policy, op. cit., p. 83.

<sup>2</sup>The Poor Law Commissioner's Report of 1839, op. cit., p. 29.

<sup>3</sup>These figures do not correspond with Redford, op. cit., p. 110. He states that in 1844 231,000 persons were relieved indoors whereas 1,247,000 people received outdoor relief. There were no provisions made for the poor in 1844.



The institution of the workhouse test, i.e. the use of admission to the workhouse as a test of destitution, was an effective tool in the reducing of the poor rates. Note the figures cited by the Poor Law Commissioners in their Report of 1839. That the institution of such a test may have produced many other effects upon the 98,000 inhabitants of workhouses in 1839, does not detract from the application of the principle. As has been stated repeatedly, this was a harsh measure to bring upon the destitute; nevertheless, as a method of reducing the poor rates, it was, to a degree, successful.

In the area of less eligibility, this writer has little specific data; however, it is suspected that such a principle would have been extremely difficult to establish and maintain and still be consistent with the humane treatment prescribed by the Poor Law Commissioners. The basis for this principle--that the recipient of relief within a workhouse was to have been less attractive than that which existed for the lowest class of independent laborer--is somewhat ambiguous. It would be most difficult to determine such a class, and in some instances, the lowest class of independent laborer may have very well been at a lower level than the humane one which the commissioners mentioned.

The separation and classification of sexes as described by the Central Authority proved to be inadequate. There were no provisions made for the sick or those suffering from

various diseases. There were no provisions for expectant mothers; nor were there provisions for lunatics, idiots or imbeciles; there were no provisions for infants at breast, nor for vagrants intending to stay only one night. Finally, there were no provisions for character or conduct. Orderly inmates could be mixed with semi-criminals and young girls associating with prostitutes.<sup>1</sup> Such a statute which separated husband from wife and parents from their children did not meet the test of practicality if that was one of its essential characteristics.

In the final analysis of the Poor Law Amendment Act of 1834, the Poor Law Commissioners failed in their specific efforts as of 1839--with the exception of the workhouse test--to fulfill their proposed plan, and according to the Webbs, the plans of the Poor Law Commissioners had not been attained by 1847 when the three Poor Law Commissioners stepped down.

It is generally agreed among historians that it was from 1847 on that the great advancements were effected in the field of relief to the poor. In closing, however, a general question is raised as to what extent one can attribute the success or failure of such a social problem to the passing of the Poor Law Amendment Act of 1834? Certainly, the work of the Elizabethan Act in 1601, the Speenhamland Act in 1795, and its

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<sup>1</sup>Webb, English Poor Law Policy, op. cit., pp. 61-2.

abolishment in 1834, and the new phase from 1847 on, cannot be written off as failures. Surely they are all part of the over-all development of the nation's concern for the treatment of its indigent.

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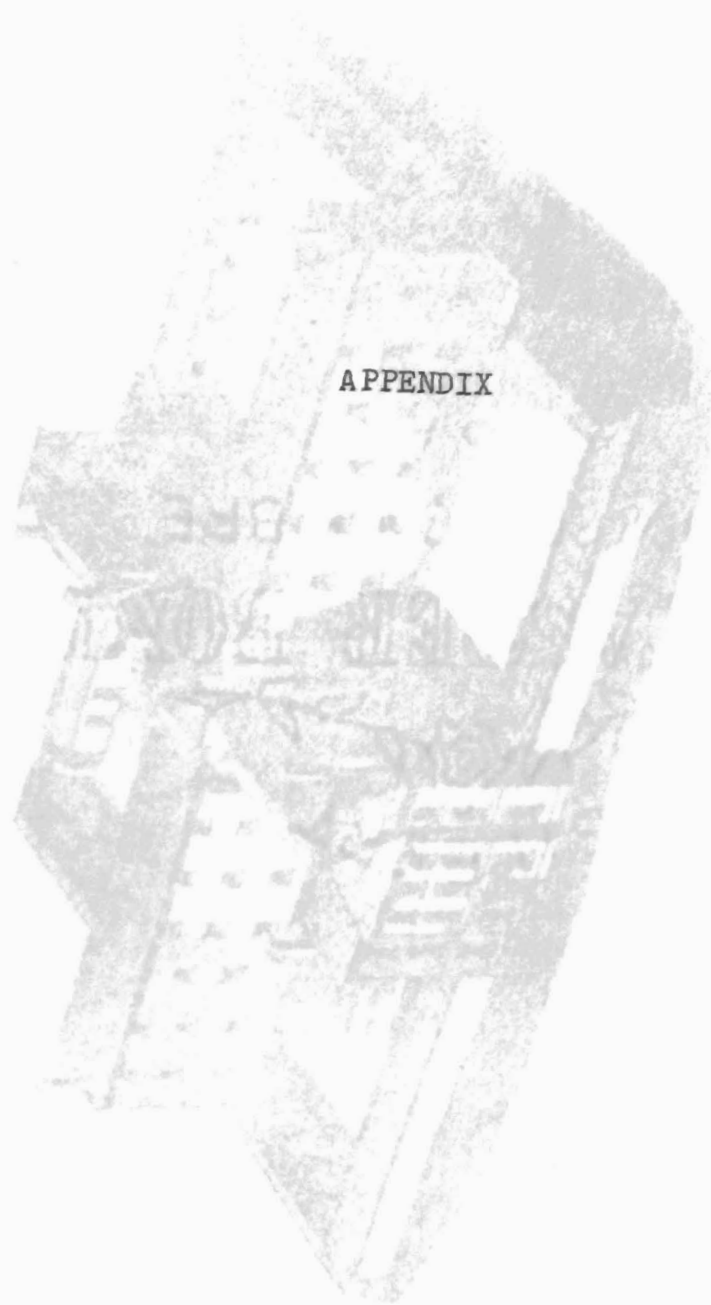
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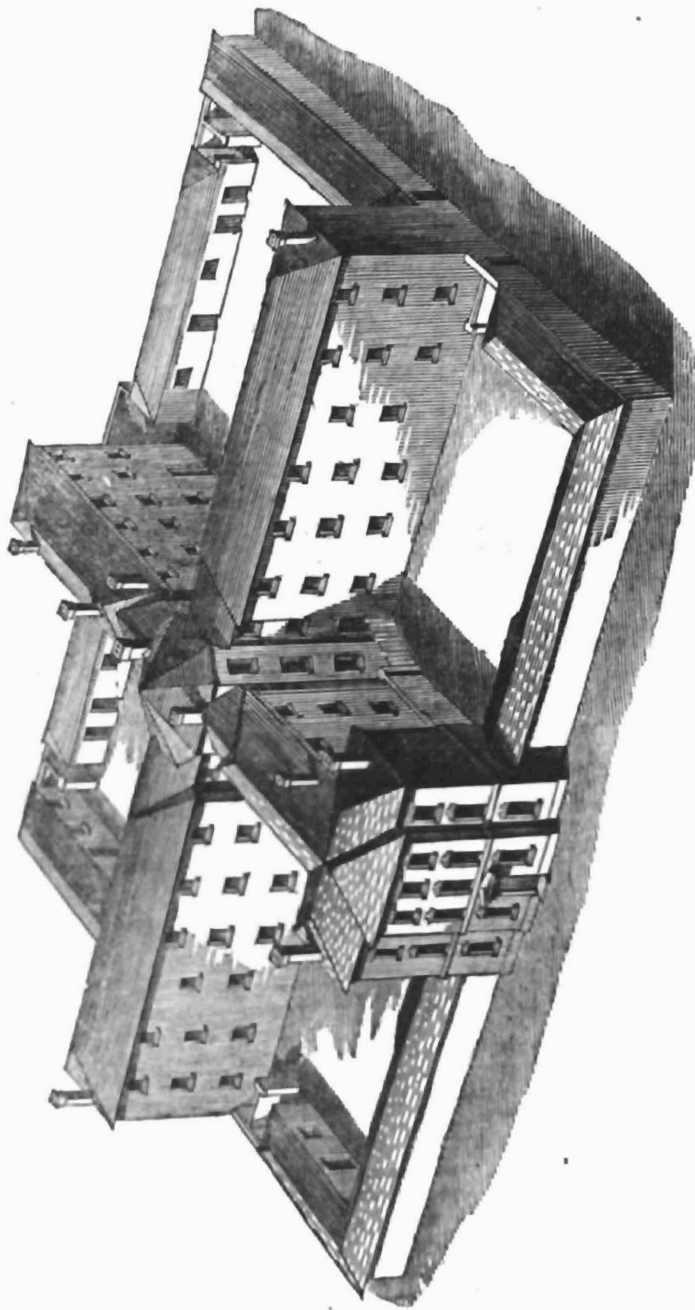
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APPENDIX

THE BUILDING COMPLEX IS A REPRESENTATIVE OF THE ARCHITECTURE OF THE  
NATIONAL GOVERNMENT. THE BUILDING IS A REPRESENTATIVE OF THE  
NATIONAL GOVERNMENT. THE BUILDING IS A REPRESENTATIVE OF THE  
NATIONAL GOVERNMENT.

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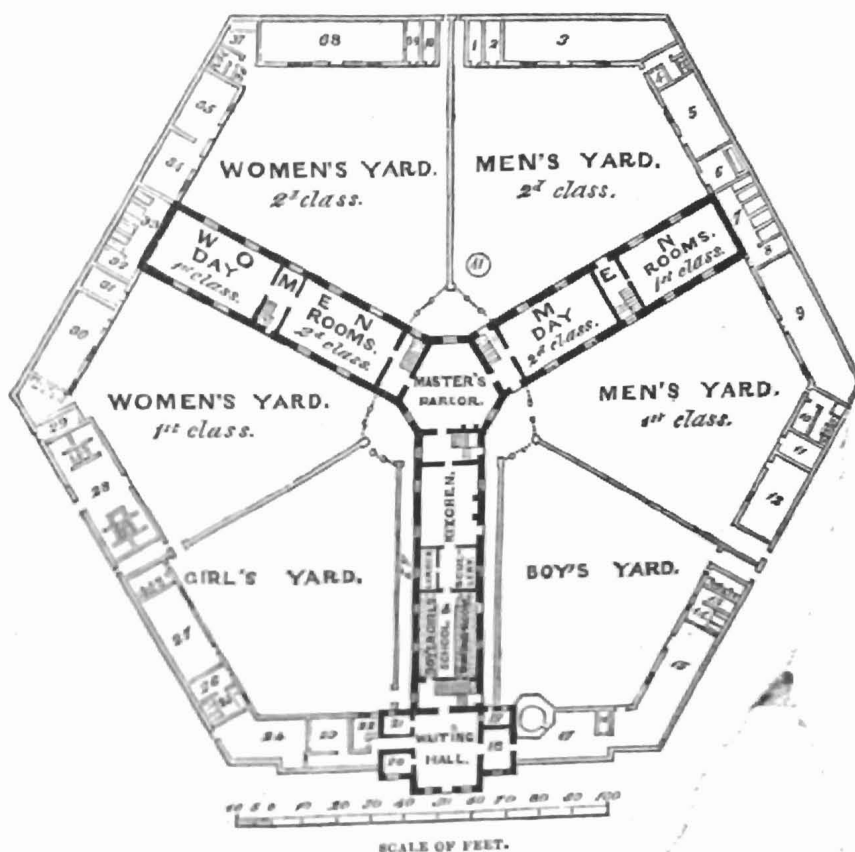


PERSPECTIVE VIEW OF A WORKHOUSE FOR 300 PAUPERS. (F.)

SAMPSON KEMPTHORNE, Architect,  
CARLTON CHAMBERS, 12, REGENT STREET.

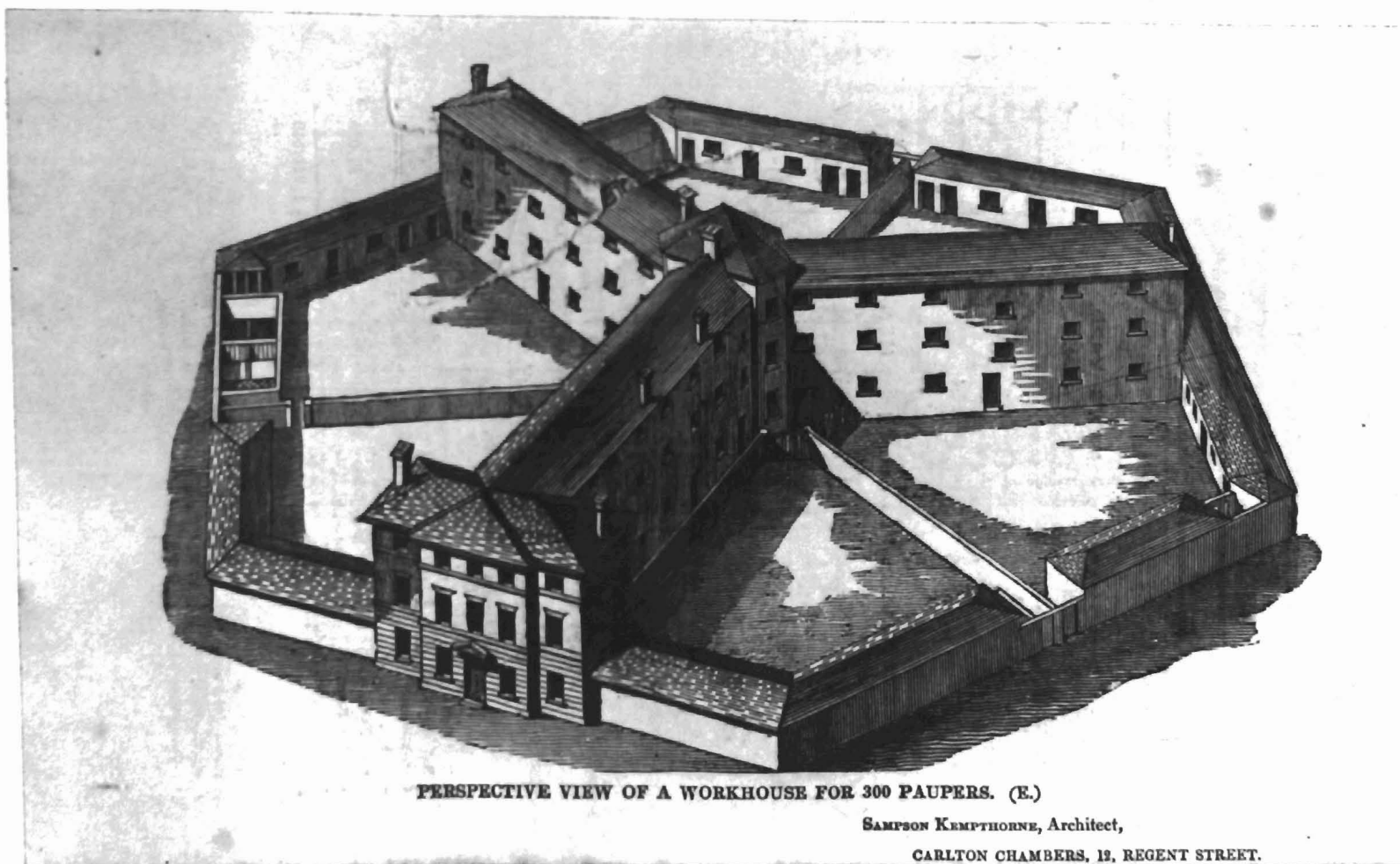
Figure No.1

WORKHOUSE FOR 300 PAUPERS,—GROUND PLAN, No. 1. (E.)



- |                            |                            |                            |
|----------------------------|----------------------------|----------------------------|
| 1 Dead House.              | 15 Work Room.              | 29 Slaughter House.        |
| 2 Refractory Ward.         | 16 Coals.                  | 30 Work Room.              |
| 3 Work Room.               | 17 Bakehouse.              | 31 Washing Room.           |
| 4 Dust.                    | 18 Bread Room.             | 32 Bath.                   |
| 5 Work Room.               | 19 Delivery Room.          | 33 Receiving Ward, 6 beds. |
| 6 Washing Room.            | 20 Porter's Room.          | 34 Wash-house.             |
| 7 Receiving Ward, 6 beds.  | 21 Searching Room.         | 35 Laundry.                |
| 8 Bath.                    | 22 Store.                  | 36 Dust.                   |
| 9 Work Room.               | 23 Potatoes.               | 37 Washing Room.           |
| 10 Dust.                   | 24 Coals.                  | 38 Work Room.              |
| 11 Washing Room.           | 25 Receiving Ward, 4 beds. | 39 Refractory Ward.        |
| 12 Flour and Mill Room.    | 26 Washing Room.           | 40 Dead House.             |
| 13 Washing Room.           | 27 Work Room.              | 41 Well.                   |
| 14 Receiving Ward, 3 beds. | 28 Piggery.                | 42 Passage.                |

Figure No. 2

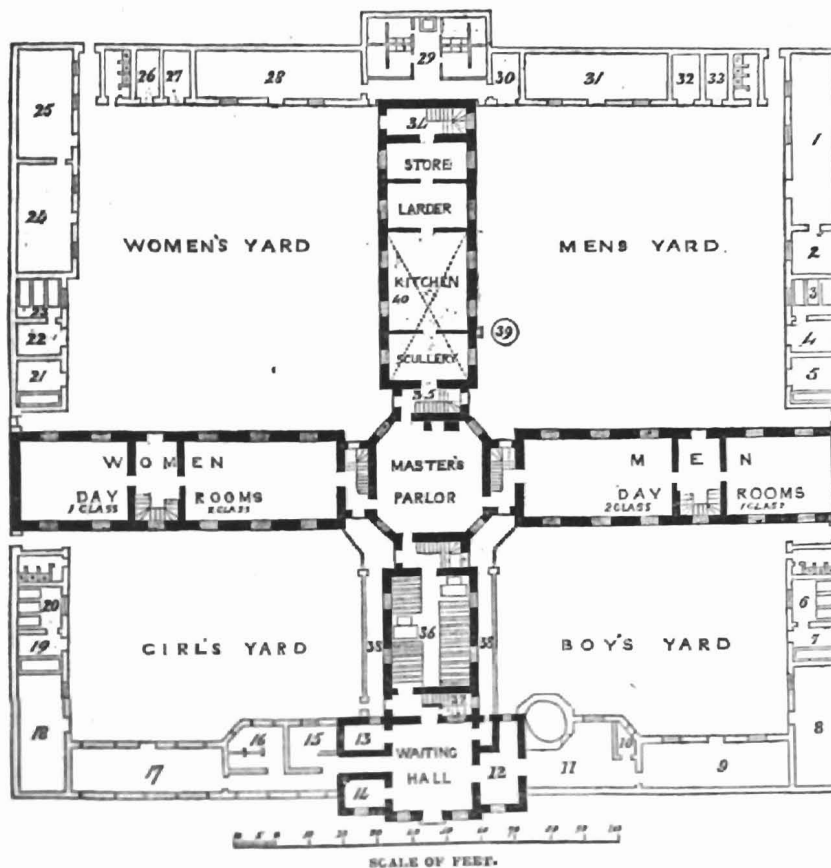


PERSPECTIVE VIEW OF A WORKHOUSE FOR 300 PAUPERS. (E.)

SAMPSON KEMPTHORNE, Architect,  
CARLTON CHAMBERS, 19, REGENT STREET.

Figure No. 3

WORKHOUSE FOR 300 PAUPERS,—GROUND PLAN, No. 1. (F.)



- |                            |                            |   |
|----------------------------|----------------------------|---|
| 1 Work Room.               | 15 Store.                  | 29 Piggery.                                 |
| 2 Store.                   | 16 Potatoes.               | 30 Slaughter House.                         |
| 3 Receiving Wards, 3 beds. | 17 Coals.                  | 31 Work Room.                               |
| 4 Bath.                    | 18 Work Room.              | 32 Refractory Ward.                         |
| 5 Washing Room.            | 19 Washing Room.           | 33 Dead House.                              |
| 6 Receiving Ward, 3 beds.  | 20 Receiving Ward, 3 beds. | 34 Women's Stairs to Dining Hall.           |
| 7 Washing Room.            | 21 Washing Room.           | 35 Men's Stairs to ditto.                   |
| 8 Work Room.               | 22 Bath.                   | 36 Boys' and Girls' School and Dining Room. |
| 9 Flour and Mill Room.     | 23 Receiving Ward, 3 beds. | 37 Delivery.                                |
| 10 Coals.                  | 24 Laundry.                | 38 Passage.                                 |
| 11 Bakehouse.              | 25 Wash-house.             | 39 Well.                                    |
| 12 Bread Room.             | 26 Dead House.             | 40 Cellar under ground.                     |
| 13 Searching Room.         | 27 Refractory Ward.        |   |
| 14 Porter's Room.          | 28 Work Room.              |   |

Figure No. 4

Name of the Father or Mother, or of the Immigrant, if single.	Previous Occupation.	Place whence they Migrated.	Condition - Widow, Orphan, Deserted, Child, or Wife.	Place where Settled.	Name of present Employers.	Number of Family.	Age of Father.	Age of Mother.	Age of Immigrant.	Weekly Earnings from Wages - or from Allowances, or both, before their Immigration.										Present Weekly Earnings of the Family.										Future Prospects.			
										Father.	Mother.	First Child.	Second.	Third.	Fourth.	Fifth.	Sixth.	Total.	Weekly Earnings, Second Year.	Weekly Earnings, Third Year.	Total.	Weekly Earnings, Second Year.	Weekly Earnings, Third Year.	Total.									
																									s. d.	s. d.	s. d.	s. d.	s. d.		s. d.	s. d.	s. d.
James Neal { Thos. Neal { Geo. Allen { live together.	paper mill in workhouse labourer	Bedlow, Bucks ditto ditto	deserted deserted ..	Turton, near Bolton ditto ditto	H. & E. Ashworth ditto ditto	950 950 950	16 14 9 0	14 3 0 3 0	14 3 0 3 0	7 0 4 0 3 0	4 0 3 0 3 0	3 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0	2 0 2 0 2 0		
Joseph Shepherd	ditto	ditto	..	Egerton, near Bolton	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
James Stevens	parish	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
James Fryer	labourer	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
George Grimshill	none	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
James Arnold	labourer	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Samuel Black	labourer	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Prince's Rangoon, Borneo.	labourer	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
William Bayley	parish	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Mary Mies	washerwoman	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
James Black	parish	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
John Hickman	ditto	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
William Woolton	labourer	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Ditto	ditto	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
George Stephens	ditto	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Joseph Rance	parish	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
John Dean	labourer	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
William Hives	workhouse	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Philip Peddler	labourer	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Cranfield, Beds.	labourer	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Thomas Clarke	ditto	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
William Rogers	ditto	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Thomas Wright	ditto	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
William Smith	parish	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
Prince's Rangoon, Borneo.	labourer	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0
William Clarke	ditto	ditto	..	ditto	ditto	950	16	14	14	7 0	4 0	3 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0	2 0

Figure No. 5